

## Ordinary Meeting

**Meeting Date:** Tuesday, 24 March, 2026

**Location:** The Studio, Shoalhaven Entertainment Centre, Bridge Road, Nowra

## Attachments (Under Separate Cover)

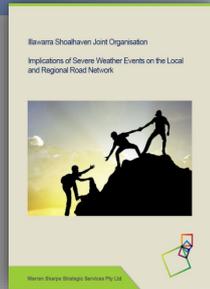
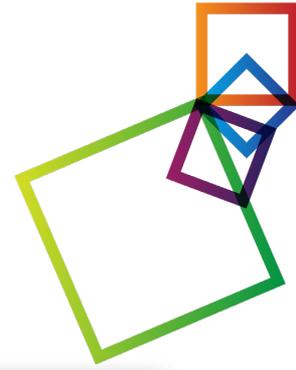
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# ISJO

## 2025: The year in review



CL26.47 - Attachment 1

## Chair's Foreword

The Illawarra Shoalhaven Joint Organisation (the ISJO) is a statutory body under the NSW Local Government Act and is the umbrella organisation for local government in the Illawarra Shoalhaven Region.

The ISJO has four Member Councils: Wollongong City Council, Shellharbour City Council, Kiama Municipal Council and Shoalhaven City Council. These Councils are responsible for a land area of 5,656 square kilometres and a population over 430,000. Our region contributes over \$23 billion to the national economy. 212,000 people have their jobs here.

Wollondilly Shire Council is an Associate Member of the ISJO. Wollondilly Shire has a population of 61,442 and a Gross Regional Product in excess of \$3.16 billion.

The Illawarra Shoalhaven is one of our State's most significant contributors to economic growth, employment and housing and we are proud of our longstanding record of local government cooperation and State and Commonwealth Agency partnership.

Our Regional Organisation continued in 2025 to demonstrate its high level of performance in working with Member Councils and State Agencies on issues and opportunities that matter most to our regional community. These issues and opportunities include but are not limited to Sustainability, Resilience, Environmental Protection, Connectivity, Economic Development and Employment Growth. Ample evidence of this achievement and true innovation at a Regional and State level is provided in the pages that follow.

I commend the collaborative work of the ISJO and local government generally in our Region and look forward to our leadership role and contribution developing even further in the year ahead.



**Chris Homer**  
Shellharbour City Mayor and  
Chair, the Illawarra Shoalhaven Joint  
Organisation

### The history of local government cooperation in our Region

The Illawarra Shoalhaven Joint Organisation came into being on 1 July 2018 following a three-year period in which our region trialled, in pilot form, the Joint Organisation model.

Prior to 2015 local government in our broader region worked together under the umbrella of the Southern Councils Group.

The Southern Councils Group developed from the Illawarra Region of Councils (IROC) which began operation in 1985 and carried on until 2004.

An even earlier grouping of Councils, the Illawarra Regional Organisation (Region 11), commenced in 1975 and operated until 1979.

In all its incarnations, local government cooperation in our region has had a common theme: that of a voluntary collective of Local Government Authorities working together to promote and foster the sustainable development of our region by building on our unique and diverse economic, natural and cultural heritage.

## ISJO Statement of Strategic Regional Priorities 2035



In December 2025 the ISJO adopted its Statement of Strategic Regional Priorities 2035.

The Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018 requires that Joint Organisations such as the ISJO prepare a Statement of Strategic Regional Priorities that draws from its Member Council Community Strategic Plans (CSPs), regional plans and other strategic documents to clearly identify the key areas of focus for the Joint Organisation in the years ahead.

Individually and collectively the strategic frameworks developed at a local, regional and beyond region level have a profound influence on the future of our region and the well-being of its residents.

In the context of these plans, the ISJO's Statement of Strategic Regional Priorities serves as a communication link between the local and State Government strategic frameworks that impact on and guide the future of our region. It facilitates shared understanding of these frameworks and, importantly, it promotes intergovernmental cooperation and targeted resource allocations that will assist in the achievement of the short, medium and long term goals of the entities with which the ISJO and its Member Councils work.

Community Strategy Plans describe a community's vision and aspirations for a period of ten or more years.

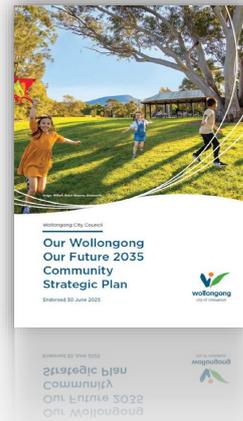
The process for creating a CSP is led by the Mayor and Councillors and through engagement with the community. The CSP is the community's plan for its future and councils have a custodial role in engaging, refining and preparing the plan on the community's behalf. As it is possible the community will identify aspirations that are not council's full responsibility role to implement, councils may need to partner with state government agencies and community groups in a CSP's delivery.



### ISJO Member Council Community Strategic Plans

Key requirements in a Community Strategic Plan are:

- The plan must be for a minimum of 10 years
- It must identify community priorities and aspirations
- It is to include a vision statement, strategic objectives and strategies to achieve those objectives
- It must address the quadruple bottom line: social, environmental, economic and civic leadership issues
- It must be based on social justice principles: equity, access, participation and rights
- It is to give due consideration to State Government plans and other relevant state and regional plans.



### How our Strategic Priorities were developed

An analysis was undertaken of ISJO Member Council Community Strategic Plans to identify shared strategic priorities over the next ten years.

Five key goals / themes were identified in both this analysis and a review of other key inputs in the form of the NSW Government Wellbeing Framework, the United Nations Sustainable Development Goals and the priorities of the Southern Region State Agencies Regional Leadership Executive Strategic Plan.

These five key areas of focus now constitute the strategic priorities that will guide the Joint Organisation's strategy and initiative development and form the basis of review and reporting processes in the years ahead.

They are:

#### 1. Environment, Resilience and Sustainability

- 1.1 We will lead efforts to promote and resource climate change adaptation and to embed disaster resilience in planning and resource allocation at all levels
- 1.2 We will role model sustainability in our own practices and, in partnership with other levels of government and peak bodies, will treasure and protect our region's environment, its biodiversity and unique character
- 1.3 We will work to reduce emissions and, through responsible waste management practices, education and an embracing of the circular economy, will put our region at the forefront of initiatives to create a sustainable future.

## 2. Growing the contribution of our Region's Economy

- 2.1 We will build partnerships to expand access to markets and to help build an interregional case for State and Commonwealth investment in enabling economic, road and rail transport infrastructure including and especially linkages to South West Sydney, Port Kembla and the Western Sydney International Airport
- 2.2 We will work cooperatively with business and government to accelerate region-wide diversification, innovation and skills development and to expand employment opportunities in all sectors including technology-driven manufacturing, research, education, defence and the digital and visitor economies.

## 3. Connection, Well-Being and Sense of Place

- 3.1 We will collaborate with key agencies to support the delivery of programs that promote connectivity, liveability, safety, health and wellbeing
- 3.2 We will advocate strongly for better and more integrated public transport and for within-region linkages that open up opportunities, assist a more mobile workforce and promote equitable access to education, health and other social services
- 3.3 We will promote active lifestyles, community development, cultural awareness, creativity and a valuing of local character
- 3.4 We will acknowledge and respect the traditional custodians of the land throughout the Illawarra Shoalhaven – the Dharawal, Jerrinja, Wandji Wandian and Wodi Wodi Peoples – and recognise our responsibility to work together with and for Aboriginal and Torres Strait Islander peoples, families and communities towards improved economic, social and cultural outcomes.

## 4. Housing

- 4.1 We will contribute to and, where appropriate drive, initiatives to support housing affordability, diversity and availability
- 4.2 We will support programs that identify and assist in the delivery of infrastructure – including social, educational and service infrastructure – to enable housing development in priority growth areas.

## 5. Strategy, Governance and Partnerships

- 5.1 We will manage our resources wisely and be informative, transparent and trusted decision-makers focused on the values of our community
- 5.2 We will work together as a region, with other regions and peak bodies in local government to ensure that our sector's financial sustainability is ensured and that our collective regional interests are prioritised.

Our Vision Statement remains the Statement adopted in 2019: "A confident, vibrant, safe and productive region that optimises the potential of its people and environment now and into the future".



## The ISJO region leads Regional Project tackling FOGO Contamination and Capacity



*Image courtesy of NSW EPA*

The ISJO is spearheading an innovative project to solve Food Organics and Garden Organics (FOGO) contamination and processing capacity challenges across the Illawarra region (Wollongong, Shellharbour, and Kiama).

This comprehensive, multi-phase initiative showcases ISJO's leadership in waste management, aiming to turn a current problem – FOGO bin contamination and limited processing options – into an opportunity.

By coordinating efforts at a regional scale, the project seeks to ensure that the FOGO collected from households becomes a valuable resource rather than low value "contaminated oversize" destined for landfill. With only two local landfills serving the Illawarra and organics recycling facilities near capacity, ISJO's work is both urgent and strategic for the region's sustainable future.

### **A Phased Approach to FOGO Solutions**

ISJO's FOGO Contamination and Capacity Project is structured in clear phases, each building on the last to address specific objectives:

1. **Technology Scan & Base Case Analysis:** The project begins by scanning available technologies and methods to reduce FOGO contamination. The team will define the current "base case" (the status quo of FOGO processing in the region) and develop a multi-criteria analysis framework to objectively evaluate potential solutions. By rigorously investigating a range of technologies under local regulatory and operational constraints, Phase 1 establishes a strong evidence base for decision-making.

2. **Options Assessment and Cost-Benefit Evaluation:** In the second phase, a detailed assessment of viable options for managing FOGO is undertaken, including both infrastructure and process improvements. The project will gather data on priority technologies and perform cost-benefit analyses for different scenarios. This includes consulting with reference facilities and industry experts to understand real-world performance and costs. The outcome will be a set of well-costed options and draft guidelines that Illawarra councils can use to compare solutions for reducing contamination and expanding organics capacity.
3. **Dunmore Facility Case Study:** A key feature of the project is applying the research in a practical context. Phase 3 involves a case study at the **Dunmore Organics Processing Facility** (Shellharbour's organics recycling site). The preferred solutions from Phase 2 will be modelled and tested against the "base case" at Dunmore to evaluate their feasibility and impact on the ground. This will produce a detailed report and an outcomes-based case study, including procurement specifications tailored to improving Dunmore's operations. By piloting solutions at Dunmore, the project gains insights that can be applied to actual facility upgrades or new contracts in the region.
4. **Final Phase – Developing a Scalable Regional Model:** In the final phase, the ISJO will synthesize the findings into a regionally relevant and scalable model for FOGO management. The deliverables will include a summary of the technology scan and analysis, cost-benefit guidelines, and a roadmap that Illawarra councils can use for future investments and joint procurement. The model is intended to be modular and evidence-based, so it can guide not only immediate decisions (such as upcoming organics processing contracts) but also long-term strategy. In essence, the Illawarra will have a template for best-practice FOGO management that can adjust as volumes grow, and technology evolves.

#### Urgency and Regional Context

The project comes at a critical time for the Illawarra. The Illawarra has only two active landfills (operated by Wollongong and Shellharbour councils) and very limited organics processing capacity. With such constrained infrastructure, any increase in contamination or waste volumes can quickly stress the system.

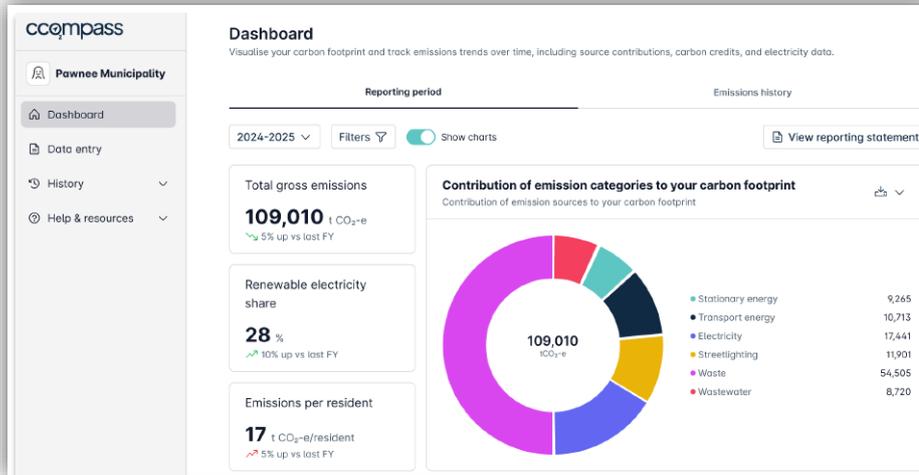
FOGO services are already in place for Illawarra households, but contamination in green bins (e.g. plastics or non-compostable materials mixed with organics) means a significant portion of collected FOGO ends up as low-value residue. At the same time, pressures are mounting to expand organics recycling. The NSW Government has mandated that commercial food organics collections be rolled out from 2025–2026, adding to the volumes needing processing. For the Illawarra, this means not only more FOGO from households, but also new streams of business and institutional food waste coming online in the next few years. Without additional capacity or efficiency improvements, these increased volumes could exceed the region's current processing limits. The Dunmore facility, for instance, has a finite licensed throughput (around 50,000 tonnes per year) and is already one of only two organics recycling facilities in the Illawarra.

*In short, doing nothing is not an option.*

#### Leading by Example - Regional Innovation with Broader Impact

Many areas are grappling with similar issues – from contamination in organics bins to insufficient local processing facilities especially as FOGO services expand nationwide. The tools, frameworks, and lessons developed through this project will be transferable to those regions. In the future, a council alliance elsewhere in NSW could replicate the Illawarra's approach, confident that the solutions have been tried and tested.

## Tracking towards Net Zero



Sample image of the updated Carbon Compass dashboard displaying emissions categories and their contribution to a Council's overall emissions output.

A key outcome identified in our Joint Organisations Net Zero Acceleration 3.0 Program ((JONZA 3.0)) delivery program will be the provision of a tool – the Carbon Compass emissions reporting tool.

Developed by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Sustainable Councils Team in collaboration with Net Zero consultancy experts, 100% Renewables the Carbon Compass tool is designed to streamline emissions reporting across regional NSW offering a simple, effective and accessible way to track Council operational emissions.

It is freely available to all JONZA participating Councils

While the ISJO councils already have established emissions reporting practices using a mix of in-house and third-party platforms to report Scope 1 and 2 emissions, the Carbon Compass brings a regional lens to emissions data allowing comparisons across Council areas.

By helping councils align their efforts and improve data consistency, the tool will support the Sustainable Councils team's broader goal of gaining clearer oversight of council emissions as a refining future grant opportunities and implementing targeted support for net zero initiatives.

Carbon Compass is a tool requiring very little technical expertise and is accompanied by step-by-step user guides making it suitable for councils both in the beginning stages of emissions reporting or experienced councils with existing reporting knowledge and expertise.

### Carbon Compass:

- Tracks key Scope 1 and 2 emissions including, electricity consumption from council building and streetlights, fleet fuel use, gas usage, wastewater and landfill emissions and green waste
- Supports accurate electricity accounting, distinguishing between grid-supplied and renewable energy sourced electricity
- Provides user-friendly data management, allowing users to upload supporting files and nominate contact persons within Councils to provide emission source data.

- Provides confidence tagging allowing data entries to be marked as actual, estimated, or other levels of certainty.
- Historical data entry, enabling councils to build a comprehensive emissions profile
- Compliance-ready, with alignment to NSW public sector reporting guidelines.

**Regional benefits for using the Carbon Compass include:**

- Consistency in emissions reporting, enabling better benchmarking and collaboration between councils
- Enhanced data quality and transparency, supporting more informed decision-making and policy development
- Streamlined reporting processes, reducing reliance on external consultants and lowering barriers for councils at different maturity levels

The updated version of the tool has been workshopped with Joint Organisation Net Zero Managers to ensure that it is fit for purpose for council application.

Once available, the Net Zero Program Managers will facilitate data collection exercises with the councils to populate emissions profiles within the tool.

By adopting Carbon Compass, ISJO Councils will have to opportunity to improve emissions reporting standards whilst at the same time aligning reporting frameworks with the broader Joint Organisation network across the State.

## Workshops on interregional shared advocacy opportunities



Front row from left to right: Cr Matt Gould, Mayor of Wollondilly, Cr Ashleigh Cagney, Mayor of Camden, Cr Tania Brown, Lord Mayor of Wollongong.  
Second row left to right: Cr Matthew Norris, Shoalhaven City Council, Cr Darcy Lound, Mayor of Campbelltown, Cr Cameron McDonald, Mayor of Kiama  
Third row left to right: Cr Chris Homer, Mayor of Shellharbour, Cr Jesse Fitzpatrick, Mayor of Wingecarribee

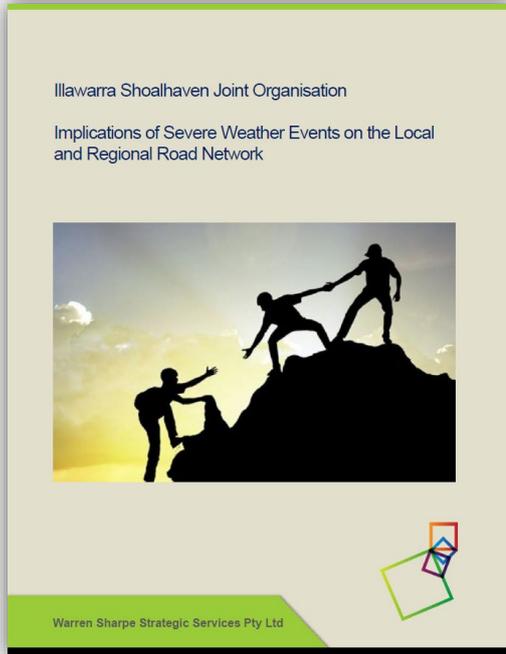
In the second half of 2025 two workshops were held to identify advocacy opportunities that spanned regional boundaries and would contribute to the development of the LGAs involved and their contribution to the State and National Economy.

The participating local government areas comprised Wollondilly Shire, Camden City, Campbelltown City, Wingecarribee Shire, Wollongong City, Shellharbour City, Kiama Municipality and Shoalhaven City.

Opportunities identified for investigation included but were not limited to:

- Interregional Connectivity including road and rail
- Global Gateways including Western Sydney International Airport and Port Kembla
- Housing capacity
- Employment opportunities
- The Visitor Economy, and
- Public Transport

## Implications of Severe Weather Events on the Local and Regional Road Network



In the Illawarra Shoalhaven an acceleration in the frequency and severity of natural disasters such as fire and flood has resulted in substantial threats to our communities, major damage to critical local and regional infrastructure, enormous strain on local government finances and deep-seated trauma for communities and first responders.

In recognition of this the ISJO secured funding under the joint Commonwealth / NSW Government National Partnership Agreement on Disaster Risk Reduction to investigate a series of measures to identify and address our region's exposure to disaster risk.

A major part of the work was preparation of an evidence-based review – [Addressing the implications of Severe Weather Events on the Local and Regional Road Network](#) – to highlight the particular challenges for road infrastructure in the Illawarra Shoalhaven region generated by geographic issues specific to our region. By drawing upon actual lived experience arising from the devastating natural disasters and, taking lessons learnt from those disasters, the review offers detailed recommendations for positive change to decision-making in the future.

The review also accessed knowledge gained from assessing the natural disaster impacts affecting communities and Councils across NSW and demonstrates the advantage of sharing many of the lessons learnt from multiple disasters to better address common challenges. The review is therefore very much an advocacy document with powerful, if at times confronting, messages for all levels of Government.

CL26.47 - Attachment 1



## Illawarra Shoalhaven Natural Hazards Snapshot

The Illawarra Shoalhaven region faces a complex and evolving natural hazard landscape, including floods, storms, bushfires, coastal hazards, heatwaves, and landslides and climate change is projected to intensify these risks, increasing the urgency for proactive planning and adaptation.

To support a shared understanding of these challenges, the ISJO has prepared the *Illawarra Shoalhaven Natural Hazards Snapshot*. This report consolidates publicly available data on hazard exposure, historical events as well as future climate projections for the four ISJO member councils.

It also provides localised profiles of risk, resilience, and planned mitigation actions.

The Snapshot is intended as a practical tool for councils, partners, and the community. It will also help provide local context to the NSW Reconstruction Authority for the upcoming Disaster Adaptation Plan process and strengthen alignment between local planning and regional resilience priorities.

### Key Features of the Report

- Inclusion of a regional overview of natural hazards and climate projections
- Council-specific profiles detailing hazard exposure, historical disaster impacts, property risk analysis and resilience indices
- A summary of planned disaster risk reduction actions derived from each council's Delivery Program and Operational Plan.
- Data sourced from reputable agencies including ABS, NSW Government, SES, RFS, Climate Council, and Natural Hazards Research Australia.

### Next steps

The ISJO is now promoting the report as a resource for councils, agencies and community stakeholders to support risk-informed decision-making and resilience planning.



## Building Resilience into IP&R processes

Disaster resilience is increasingly recognised as a critical component of sustainable local governance.

As climate change intensifies and natural hazards become more frequent and severe, councils must proactively embed resilience into their strategic and operational planning frameworks. The Integrated Planning and Reporting (IP&R) framework provides a structured opportunity to do so ensuring that resilience is not treated as a standalone issue but as a cross-cutting priority that influences infrastructure, community wellbeing, environmental stewardship and economic stability.



Early in 2025 the ISJO released its [Regional Resilience Integrated Planning and Reporting Guidance 2025](#) to assist Councils to embed Resilience within their IP&R structures.

Our Planning and Reporting Guidance shows how Resilience initiatives can and should be systemically integrated into Local Government frameworks, plans and tools and how local communities and other key stakeholders can be informed and supported in understanding their role and a Council's role in building climate resilience and a more assured future.

The purpose of our [Building Resilience into IP&R 2025/2026 Member Councils Report](#) is to provide guidance for Member Councils on their progress in strengthening disaster resilience within their IP&R frameworks. It provides a comparative analysis of current approaches and highlights opportunities for improvement and regional collaboration and is intended as a practical reference for embedding resilience across strategic and operational plans.

## Installation of Multi-Hazard Monitoring and Sensor Network completed

The Illawarra-Shoalhaven Joint Organisation is committed to building safer, more resilient communities across its member councils. With increasing climate-related risks such as bushfires, storms, and floods, real-time access to environmental data is more critical than ever.

In collaboration with [Attentis Technology](#) and Telstra, and with funding through the Disaster Risk Reduction Fund, the ISJO completed installation in 2025 of a region-wide multi-hazard monitoring network. This system enables councils, emergency services and communities to make faster, better-informed decisions to reduce disaster risk.

### Purpose of the Multi-Hazard Monitoring and Sensor Network

The Illawarra-Shoalhaven multi-hazard monitoring and sensor network has been designed to enhance disaster resilience across the region by enabling real-time situational awareness, improved decision-making and stronger community engagement.

Its core purposes include:

- Early Detection:** The system provides real-time monitoring of natural hazard conditions such as temperature fluctuations, wind activity, smoke presence, humidity, and rainfall. This enables authorities to detect emerging threats early and act before situations escalate.
- Informed Planning:** By delivering accurate, time-stamped environmental data, the network supports proactive disaster risk reduction strategies, emergency preparedness, and evidence-informed urban and regional planning.
- Regional Collaboration:** The system facilitates shared access to monitoring data between councils, emergency services, and state agencies. This fosters coordinated responses and enables consistent, region-wide situational awareness.
- Public Access and Education:** A live public-facing dashboard allows community members to view real-time environmental conditions, helping to raise awareness of local hazards and promote a culture of preparedness and shared responsibility.
- Evidence-Based Emergency Response:** Live data supports the operational decisions of emergency services, enabling faster and more precise responses during critical events such as bushfires, storms, and floods.



## Strengthening Regional Collaboration in Disaster Adaptation Planning

On 28 October 2025 representatives from five Joint Organisations – the ISJO, Canberra Region, Central NSW, Hunter and Riverina and Murray – and the NSW Reconstruction Authority came together for a workshop focused on strengthening regional approaches to the [Disaster Adaptation Plan](#) process across NSW.

The session provided a valuable opportunity to build understanding of the Disaster Adaptation Plan process, to clarify roles and responsibilities and to explore how existing regional projects such as those funded through the [Disaster Ready Fund](#) can align with and inform future planning.



Through a mix of presentations, group discussions and planning activities, participants explored how to tailor the DAP process to local contexts, while also identifying opportunities for coordination and knowledge sharing across regions. The workshop also laid the groundwork for ongoing engagement between the Reconstruction Authority and Joint Organisations including the use of shared platforms and participation in existing Joint Organisation networks.

This workshop marks a significant step in supporting councils and communities to prepare for and adapt to future hazards, ensuring that disaster resilience is embedded in regional planning from the ground up.

## Illawarra Circular Precinct Taskforce

The second meeting of the Illawarra Circular Precinct taskforce was held on 5 November 2025 at the University of Wollongong Innovation Campus. The meeting welcomed back the wide range of stakeholders along with various industry and consultancy participants, including but not limited to Circular Australia, Shellharbour and Wollongong Councils, the University of Wollongong, NSW EPA, the Department of Climate Change, Energy, the Environment and Water and the ISJO).

### **Key content and Insights:**

The workshop focused on showcasing success stories, sharing good practises and challenges and creating opportunities for strengthened collaboration between stakeholders.

### **Updates on national and international progress on circular economy:**

Lisa McLean delivered the news of Australia's successful bid to host the second Asia Pacific Circular Economy Hotspot in Sydney next year. There is hope that the event will take place before COP31, which may also be held in Australia. Lisa also highlighted the launch of the [Circular Economy Finance Report and Guide](#) *Circular Economy for Investors & Lenders Report*, which details the circularity of the future of finance, and includes heat maps demonstrating companies and sectors at risk in the linear economy.



**Circular economy case studies in the Illawarra:**

Cherie Sammut from BlueScope presented on recycling initiatives in collaboration with Veolia. BlueScope’s onsite recycling centres collect a variety of recyclables including E-waste, aerosol cans, hard hats, safety glasses, food organics and timber pallets. The centres have received 13 tons of E-waste and 274 tons of timber pallets. BlueScope has also engaged Flagstaff Group to process a number of items for either recycling or reuse onsite.

Reece Conley from Moduplay emphasised a focus on closed-loop manufacturing, local supply chains and a strong commitment to transparency and sustainability. Moduplay’s Replay Range is made from 100% post-industrial high-density polyethylene (HDPE) and is fully recyclable at the end of serviceable life.

**Report back on project proposals:**

High priority projects raised in earlier meetings have been included in a grant application to the NSW EPA led by ISJO. It includes materials mapping, research on behavioural interventions, pilot circular hubs and a digital knowledge hub. The aim is to build a circular economy roadmap for the Illawarra region.

**Industry Spotlights:**

Attendees were invited to share updates on good practices. There were nine impromptu presentations which focused on circular economy, including the development of a circular economy assessment, sustainable processes for decommissioning renewable energy, social enterprise, upcoming circular economy workshops and updates on new local recycling capacities. ISJO’s recent soft plastic drop off events – see our next article – were also featured.

**Next Steps:**

1. The next meeting is tentatively planned for March 2026 with a focus on organics and the EPA 2030 FOGO mandate.
2. The aim is to continue to grow the Taskforce network to gain more momentum and support from government. Attendees were encouraged to share potential future speakers and collaborators.

## Community collects 1.88 tonnes of Soft Plastics as National Momentum builds



Following our region's successful soft-plastic collection pilot in late 2024 and early 2025, three further drop-off events were held between September and November this year across Shellharbour City Council, Wollongong City Council and Kiama Municipal Council. Community interest remained strong, reinforcing how eager residents are for practical ways to keep soft plastics out of landfill.

### How much was collected

Across the three events, residents returned 1,880 kg of soft plastics. Despite having fewer events than the earlier seven-event pilot, this total represented 78% of the previous collection volume – showing a clear increase in awareness and demand.

### Where the materials are going

Local social-enterprise Flagstaff Group has baled all of the collected material and will assist with transporting it to iQRenew, which operates Australia's first purpose-built post-consumer soft-plastics processing plant in Taree, NSW. The Soft Plastics Engineered Commodity (SPEC) facility converts soft plastics into shred, flake and pelletised materials that can be used in manufacturing new products, supporting a circular approach.

### Support from SPSA

This collection round was supported by Soft Plastics Stewardship Australia (SPSA). SPSA is an independent, not-for-profit product stewardship organisation working to rebuild Australia's soft-plastics recycling system.

In November 2025 the Australian Competition and Consumer Commission (ACCC) granted SPSA an eight-year authorisation to operate a national, industry-led soft-plastics recycling scheme.

The authorisation allows SPSA to:

- Introduce a proposed levy starting at \$160 per tonne on participating brand owners and retailers
- Provide long-term stability to attract investment and expand processing infrastructure
- Operate under conditions that require transparent reporting and avoid exclusive processing arrangements, keeping the market competitive

This marks a significant step toward restoring reliable soft-plastics recycling across the country.

### What the community told us

A survey by Circular Plastics Illawarra showed that most participants found sorting and dropping off their soft plastics straightforward. Many asked for more frequent opportunities, reflecting strong public appetite for solutions. Suggestions ranged from permanent drop-off points to clearer guidance on what counts as a soft plastic – highlighting both enthusiasm and the need for ongoing education.

### Challenges at the events

As with most soft-plastic initiatives, contamination remained a challenge. Common problem items included fruit punnets, biscuit-tray inserts, meat trays, biodegradable bags and various foams – all **not** classified as soft plastics. Some items were also not clean, dry or empty. Staff and volunteers removed contaminants where possible and provided guidance directly to participants.

### New recycling options now available

Residents now have more ways to recycle soft plastics:

- **Flagstaff Group** is accepting post-consumer soft plastics from the public at designated times each week <https://www.flagstaffgroup.com.au/services/paper-to-paper/>
- **ALL Woolworths stores** in NSW have reintroduced soft-plastic drop-off points.

### Looking ahead

Collecting nearly two tonnes of soft plastics in just three events demonstrates how strongly our communities want to participate in a better system. Coupled with SPSA's newly authorised national scheme and the return of more drop-off options, the future for soft-plastics recovery is being powered by committed residents and strengthened by industry collaboration.



## Supporting Councils to deliver Electric Vehicle Charging Infrastructure

In 2025, as part of the Joint Organisation Net Zero Acceleration (JONZA) program, the ISJO in collaboration with the eight Joint Organisations undertaking the JONZA program partnered with the [Astrolabe Group](#) to develop a practical guidance framework for councils delivering Electric Vehicle Charging Infrastructure (EVCI) on public land.

Funded by the NSW Government Net Zero Transport Team, this initiative supports councils in progressing toward net zero emissions by providing guidance for development of dedicated EVCI policies enabling councils to advocate for an increased uptake of zero-emissions transport.

The project was in response to a key challenge identified by regional councils, that inconsistent internal processes and varying levels of capacity to deliver EVCI effectively have led to barriers that can prohibit further EVCI deployment across council managed public land.

To address this, Astrolabe conducted desktop research and stakeholder engagement to understand current practices, identify policy gaps, and explore leading practices other councils have employed to deliver EVCI on public lands to inform the development of the Local Government guidelines.

The resulting guidance framework includes a suite of information designed to help councils

- Identify suitable public land for EVCI deployment
- Develop EVCI policies or enhance existing policy frameworks
- Navigate internal approval processes for effective delivery of EVCI
- Engage with Charge Point Operators (CPOs) and electricity networks
- Deliver infrastructure that meets community expectations and regional net zero goals

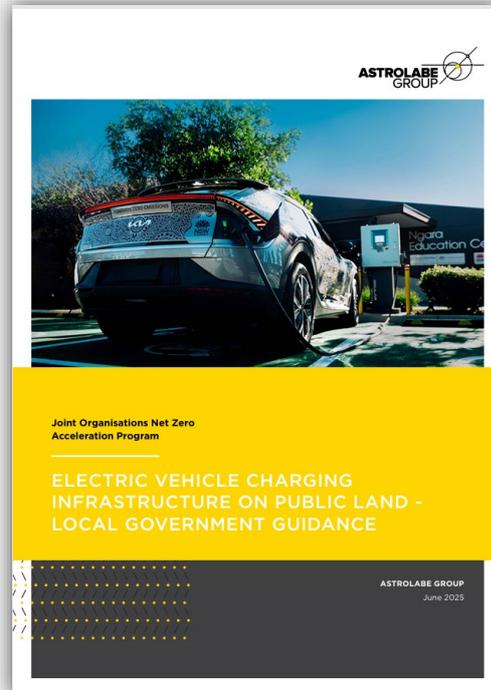
The guidance framework was designed to be adaptable for different council contexts and accounts for varying levels of EVCI experience and exposure, resource capacity and policy maturity.

The resource is intended for any council staff involved in managing the decision-making process regarding EVCI installations on public land including business units such as planning, infrastructure, sustainability, and economic development.

To access a full copy of our **EVCI on Public Land – Local Government Guidance** please click [here](#).

The ISJO also produced resource documents to assist Councils in facilitating the rollout of EVCI.

These resource documents can be accessed by clicking on the following image:





## Major milestone for ISJO Community Renewables Program



Attendees across the four ISJO Community Renewables Program live events held during September. From top left; The Sage Hotel Wollongong, The Pavillion Kiama, Shellharbour City Council Auditorium, Shoalhaven Entertainment Centre.

Since launching in June 2025 the ISJO Community Renewables Program (CRP) achieved a key milestone by successfully hosting a series of live community events across the ISJO region.

Held over four consecutive Wednesday evenings through September, each event brought together local residents, council representatives and renewable energy experts for informative sessions designed to

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deliver renewable energy education and provide the opportunity for residents to learn more about the Program offering. The first event of the tour was held at the Shellharbour City Council auditorium, followed by Wollongong's event hosted at The Sage Hotel, then Kiama at The Pavilion with the event schedule concluding at the Shoalhaven Entertainment Centre.

Promoted through council communication channels, the events attracted strong community interest, with attendees eager to register to learn more about how they can participate in the Program and start to realise the benefits of adopting to clean energy technology.

The events were opened by the respective Council Mayors or Councillors, which provided the opportunity to also highlight the commitment of our region to a sustainable, low-emissions future.

The attention then shifted to ShineHub, the Program's delivery partner, who provided an engaging and informative presentation to audience members providing details on the exclusive bulk-buy offer available through the CRP and describing how solar and battery systems work to help reduce household energy bills, reduce emissions and support the local electricity grid.

Approximately 270 residents attended the four community events, with an addition of over 300 views of the online recorded presentations. Attendees' tickets were checked at the door however actual numbers appeared to be higher in the rooms due to walk-ins and additional family members on the night coming along on the night.

Feedback from attendees was overwhelmingly positive with many residents already signing up for solar and battery installations through the Program. This strong community response reflects the growing interest in renewable energy and the desire to take meaningful climate action at the household and community level.

For more information or to watch the recorded sessions, visit the ISJO Community Renewables webpage [Illawarra Shoalhaven Community Program](#).

## The ISJO Showcases Community Renewables Success at Net Zero Summit



ISJO Net Zero Program Manager, Pat Whitford, presenting to the summit on the benefits of regional collaboration and highlighting the success of the Community Renewables Program

Building on the momentum of the Community Renewables Program's successful live events, the ISJO recently featured at the Local Government Net Zero and Resilient Communities Summit, hosted by the sustainability-focused online publication *The Fifth Estate*.

Held in Sydney on September 10, the Summit brought together professionals from Local and State government, academia, consulting and the broader sustainability industry to share insights and showcase impactful sustainability initiatives. The event provided a platform for the ISJO to highlight its collaborative approach to regional climate action.

The ISJO's Net Zero Program Manager presented on the benefits of the Joint Organisation model, demonstrating how regional collaboration with member councils enabled through programs like JONZA can establish successful regional initiatives such as the Community Renewables Program. The presentation was well received, sparking interest from other councils in the room who were interested in learning how they could replicate the ISJO approach and early success.

The summit highlighted innovation by local government within the sustainability space but also reinforced the importance of partnerships in driving local climate resilience and emissions reduction. The ISJO's work stood out as a practical example of how councils can work together to deliver tangible outcomes for their communities.

To read the full articles and coverage of the event by *The Fifth Estate*, visit the Fifth Estate website:

[On how councils are doing it for themselves | News from the Front Desk | The Fifth Estate](#)  
[When it comes to regional communities and the net zero transition there's a need for relentless consultation | TFE Events | The Fifth Estate](#)



## From Prevention to Action: ISJO Shares Regional Insights on tackling Illegal Dumping

Illegal dumping continues to present significant environmental, financial and operational challenges for councils across NSW and Australia. This issue took centre stage at a recent panel discussion titled "From Prevention to Action – Tackling Illegal Dumping and Council-Led Solution," where representatives from the City of Whittlesea, Hunter Joint Organisation, Canterbury-Bankstown Council and the Illawarra Shoalhaven Joint Organisation explored smarter, prevention-led responses.

Representing the ISJO our Regional Illegal Dumping Program Manager, James Vincent, shared regional insights that strongly aligned with broader industry conversations occurring at forums such as Waste Expo Australia and the upcoming ecologiQ Greener Infrastructure Conference 2025 where innovation, collaboration and sustainable infrastructure remain core themes.

James highlighted that illegal dumping is a cross-boundary issue requiring councils to work collectively rather than independently. Through shared resources, intelligence and enforcement capability, ISJO councils are able to achieve a level of coverage and consistency that would be impossible on their own. Shared surveillance assets, joint RID enforcement officers and coordinated hotspot monitoring have strengthened deterrence across the region.

James emphasised that this model allows for more strategic, data-informed interventions and ensures consistent messaging for communities that regularly move between council areas.

This regional approach mirrors the national direction showcased at Waste Expo Australia, where collaboration and technology integration continue to underpin the future of waste and resource management.

## Workshop on response to illegal dumping of Asbestos



Image courtesy of LGNSW

Local Government NSW (LGNSW) and Wingecarribee Shire Council hosted in 2025 a workshop that focused on council responses to illegal asbestos removal and other asbestos-related incidents at residential properties. The event was delivered as part of the LGNSW Asbestos Policy Project funded by the NSW Environment Protection Authority (EPA). It involved contributions from a range of stakeholders, including SafeWork NSW, Cumberland City Council, the Illawarra Shoalhaven Joint Organisation (ISJO) and the Southern Region Illegal Dumping Program member councils.

The workshop was held in Moss Vale and was designed to provide council officers with a practical understanding of the regulatory, operational, and inter-agency dimensions of managing asbestos-related risks. The timing of the event aligned with regional concerns around a continued rise in illegal dumping activity involving asbestos-containing materials (ACMs).

Data presented by the ISJO's Regional Illegal Dumping Program Manager, James Vincent, showed that between 2020 and 2025 a total of 301 illegal dumping incidents were recorded across southeastern NSW with 207 (approximately 69%) involving asbestos. Councils most affected included Shoalhaven,

Wollondilly, Wingecarribee and Wollongong where rural land and bush tracks were commonly used for unregulated disposal.

Participants were given an overview of the legal framework relevant to asbestos response, particularly the roles and powers available under the Protection of the Environment Operations Act 1997 (POEO Act). Presentations from the NSW EPA and SafeWork NSW clarified council responsibilities in issuing clean-up notices, conducting site inspections, and collaborating with state agencies when incidents involved unsafe handling, transport, or disposal.

The agenda included a series of scenario-based sessions to illustrate typical incidents that councils encounter. One session focused on a case study from Cumberland City Council where officers had responded to unlicensed asbestos removal in a residential neighbourhood. The case highlighted key points of intervention, from initial notification and risk assessment to enforcement action and site remediation. Participants worked through these scenarios in groups, discussing appropriate regulatory responses and sharing experience from their own jurisdictions.

A key focus of the workshop was improving the coordination of multi-agency responses. Discussions covered the interplay between local councils, the EPA, and SafeWork, especially in situations where asbestos is discovered on public or private land without clear ownership or responsibility. Attendees were also briefed on updates to the EPA's "Powers and Notices" guideline, including appropriate use of statutory powers such as prevention notices, orders to provide information and records, and verbal directions to remove waste.

## The ISJO participates in world first eDNA research



*NSW Department of Primary Industries and Regional Development (DPIRD) weed researchers, Dr Karen Bell and Dr Xiaocheng Zhu with ISJO's Chief Weeds Officer, David Pomery, collecting Amazon Frogbit eDNA samples near Wollongong*

Weed biosecurity officers from NSW, Queensland, Victoria and Western Australia will soon take advantage of the latest environmental DNA (eDNA) techniques to detect the aquatic weed, Amazon Frogbit (*Limnobium laevigatum*) thanks to innovative work by the NSW Department of Primary Industries and Regional Development being trialled in our region.

This work – using eDNA samples they took from NSW waterways to develop the world's first laboratory assays for frogbit DNA – can help detect unseen or hidden frogbit plants in waterways, allowing weed management teams to target unwanted weeds and eradicate new incursions before they infest our environment and farmland," Amazon Frogbit is a floating freshwater plant from Central and South America. It can rapidly invade and smother waterways and is a serious biosecurity threat in the Illawarra Shoalhaven. Further information on it can be found [here](#) including a video of the plant [here](#).

## Sniffing out a problem



The Illawarra Shoalhaven Joint Organisations Biosecurity program, under the auspices of the Illawarra District Weeds Authority (IDWA), worked in March 2025 with scent detection dogs, Connor and Dash, to search for the invasive Parthenium weed on a rural property at Broughton Village near Gerringong.

First detected on this property in December 2020, the Illawarra District Weeds Authority has been inspecting and controlling the property monthly since then to ensure eradication is achieved. Parthenium weed (*Parthenium hysterophorus*) spreads rapidly, is dangerous to grazing animals and reduces crop and land values. Contact with the plant or pollen can cause serious allergic reactions in people and it is listed as Prohibited matter in NSW under the Biosecurity Act 2015.

Detection dogs play an important role in sniffing out newly germinated weeds which are difficult to find in dense undergrowth and could be easily missed by people. In many respects it is like trying to find a needle in a haystack, especially in densely vegetated areas, and the dogs assist in narrowing the areas down that need to be focused on.

The IDWA with support funding from the NSW Department of Primary Industries contracted Connor and Dash, English springer spaniels with proven ability in finding very small seedlings.

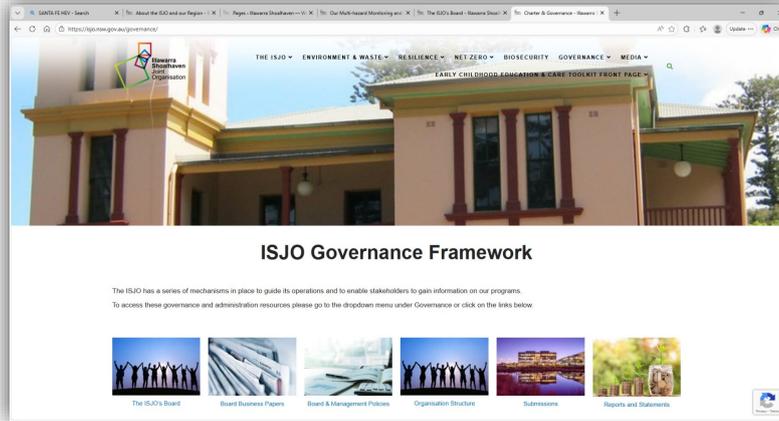
Working with the dogs' handler, IDWA weeds biosecurity officers conducted surveillance throughout the infestation area on the property at Broughton Village. This site will be monitored every four weeks for up to ten years to ensure the seed bank is exhausted and parthenium weed is eradicated. With the help of Connor and Dash two semi mature Parthenium weed plants were found, the first detection of these plants at the site since April 2024. Once the dogs detect the weed, IDWA staff record the location, manually remove and bag the plant and then continue to closely monitor that location.

The scent detection dogs initiative is now embedded and joins the use of drones and other measures as key components of our regional weeds management strategy.

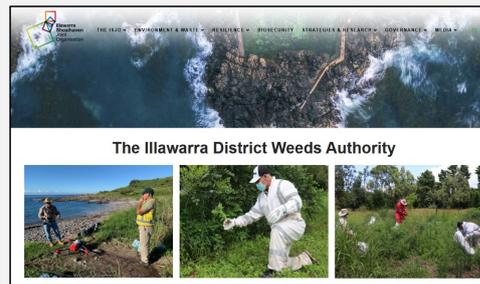
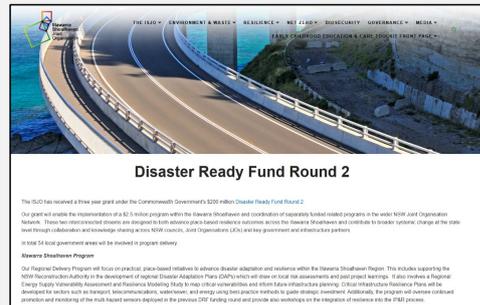
## New ISJO website launched

The ISJO in 2025 launched a new, attractive and easily navigated website to provide enhanced access for our Member Councils, wider stakeholders and the general public to a comprehensive range of information on our organisation, its programs and resources.

The website was developed internally and at no cost.



Please lick on one of the images below to see a sample of our webpages.





## Monthly Investment Review



February 2026

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Authorised Representative of InterPrac Financial Planning Pty Ltd  
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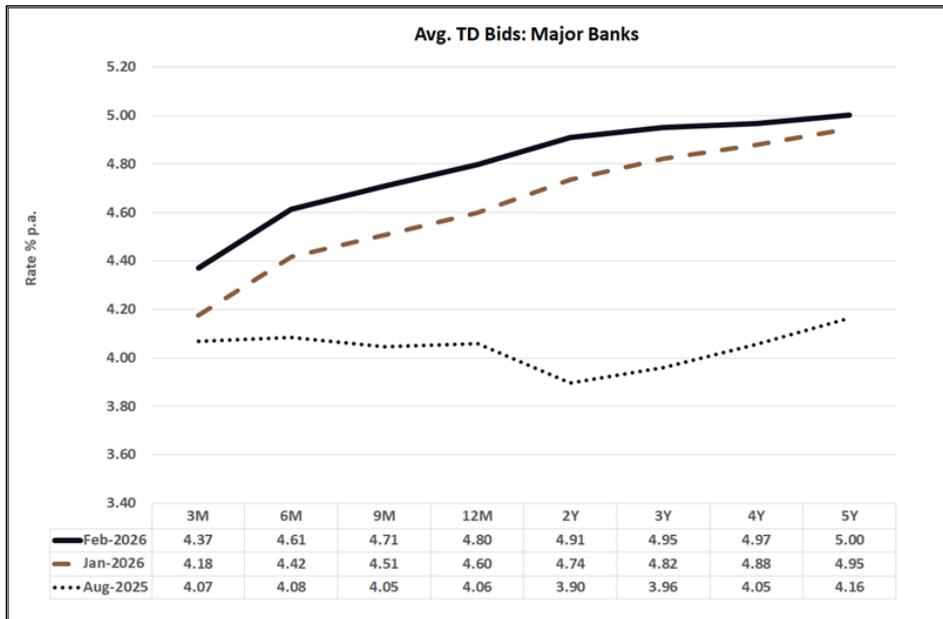
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## Market Update Summary

Financial markets remained resilient in February on expectations of further rate cuts in the US, corporate earnings holding up, and a 'soft landing' with regards to the outlook for global growth.

In the deposit market, over February, at the short-end of the curve (12 months and less), the average deposit rates offered by the domestic major banks was up to 20bp higher compared to where they were the previous month (January) after the RBA lifted official rates by 25bp. At the longer-end of the curve (1-5 years), the average rates were 5-15bp compared to where they were the previous month. The market is now factoring up to two additional hikes in 2026.



Source: Imperium Markets



## 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.

Senior FRNs are currently considered 'expensive' on a historical basis but new issuances should continue to be considered on a case by case scenario for diversification purposes (duration and asset type). In the interim, staggering a mix of fixed deposits between 12 months to 3 years remains a more optimal strategy for the 'core' assets to maximise returns over a longer-term cycle, which can be supplemented by investing a small proportion of surplus funds in senior FRNs.

Should inflation be within the RBA's target band of 2-3% over the longer-term, fixed assets yielding above 4% p.a. for 1-3 years or higher should outperform benchmark and remains acceptable.





**Term to Maturity**

All maturity limits (minimum and maximum) comply with the Investment Policy. There is around ~8% assets maturing in the Short-Medium Term (1-2 years). We recommend additional diversification by allocating some surplus funds into this horizon.

Any funds excess to surplus requirements should be placed in longer-dated tenors between 1-3 years across fixed assets 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	\$83,058,249	29.19%	0%	100%	\$201,485,985
✓	91 - 365 days	\$140,000,000	49.20%	0%	100%	\$144,544,233
✓	1 - 2 years	\$23,000,000	8.08%	0%	70%	\$176,180,963
✓	2 - 5 years	\$38,485,985	13.53%	0%	50%	\$103,786,132
✓	5 - 10 years	\$0	0.00%	0%	25%	\$71,136,058
		<b>\$284,544,233</b>	<b>100.00%</b>			



**Counterparty**

As at the end of February 2026, 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 (\$)
✓	ING Cov	AAA	\$2,010,090	0.71%	100.00%	\$282,534,143
✓	Suncorp Cov	AAA	\$2,022,686	0.71%	100.00%	\$282,521,547
✓	NSW SIRA	AA+	\$6,675,000	2.35%	100.00%	\$277,869,233
✓	ANZ	AA-	\$31,205,939	10.97%	100.00%	\$253,338,294
✓	CBA	AA-	\$53,413,790	18.77%	100.00%	\$231,130,444
✓	HSBC Bank	AA-	\$2,019,162	0.71%	100.00%	\$282,525,071
✓	NAB	AA-	\$24,508,349	8.61%	100.00%	\$260,035,884
✓	Westpac	AA-	\$79,021,064	27.77%	100.00%	\$205,523,169
✓	Rabobank	A+	\$3,332,139	1.17%	100.00%	\$281,212,095
✓	ING Bank	A	\$60,728,069	21.34%	100.00%	\$223,816,164
✓	Bendigo	A-	\$603,937	0.21%	20.00%	\$56,304,909
✓	BOQ	A-	\$19,004,008	6.68%	20.00%	\$37,904,839
			<b>\$284,544,233</b>	<b>100.00%</b>		

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**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). All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested \$	Invested %	Max Limit %	Available
✓	AAA Category	\$4,032,776	1%	100%	\$280,511,457
✓	AA Category	\$196,843,304	69%	100%	\$87,700,929
✓	A+ to A Category	\$64,060,208	23%	100%	\$220,484,025
✓	A- Category	\$19,607,945	7%	40%	\$94,209,748
✓	BBB+ to BBB Category	\$0	0%	30%	\$85,363,270
✓	BBB- & NR ADIs	\$0	0%	5%	\$14,227,212
✓	TCorp LTGF	\$0	0%	100%	\$284,544,233
		<b>\$284,544,233</b>	<b>100.00%</b>		



**Performance**

Council's performance for the month ending February 2026 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.29%	0.89%	1.79%	2.42%	3.77%
AusBond Bank Bill Index	0.28%	0.90%	1.80%	2.43%	3.83%
T/D Portfolio	0.34%	1.07%	2.17%	2.96%	4.60%
FRN Portfolio	0.37%	1.15%	2.35%	3.15%	4.76%
<b>Council's Total Portfolio<sup>^</sup></b>	<b>0.35%</b>	<b>1.09%</b>	<b>2.20%</b>	<b>2.98%</b>	<b>4.60%</b>
<b>Relative (to Bank Bills)</b>	<b>0.06%</b>	<b>0.19%</b>	<b>0.40%</b>	<b>0.55%</b>	<b>0.77%</b>

<sup>^</sup>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%	3.68%	3.64%	3.66%	3.77%
AusBond Bank Bill Index	3.76%	3.70%	3.65%	3.67%	3.83%
T/D Portfolio	4.56%	4.43%	4.43%	4.48%	4.60%
FRN Portfolio	4.87%	4.76%	4.80%	4.76%	4.76%
<b>Council's Total Portfolio<sup>^</sup></b>	<b>4.62%</b>	<b>4.48%</b>	<b>4.48%</b>	<b>4.51%</b>	<b>4.60%</b>
<b>Relative (to Bank Bills)</b>	<b>0.86%</b>	<b>0.78%</b>	<b>0.83%</b>	<b>0.84%</b>	<b>0.77%</b>

<sup>^</sup>Council's total portfolio returns excludes Council's cash account holdings.

For the month of February, the total portfolio (excluding cash) provided a return of +0.35% (actual) or +4.62% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.28% (actual) or +3.76% 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

#### **Term Deposits**

As at the end of February 2026, Council's **deposit** portfolio was yielding 4.46% p.a. (up 6bp from the previous month), with a weighted average duration of ~222 days (~7½ 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. Despite the possibility of additional rate hikes in 2026, locking in rates above 4%-5% p.a. across 1-3 year tenors (small proportion of surplus funds) should still outperform benchmark in the long-run, on assumption that the RBA can contain inflation within their 2-3% target band.

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 expensive on a historical basis but remains an option (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 and secondary) issuances.



**Council's FRN Portfolio**

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 ~\$99k) 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 (1-3 years) or fixed bonds yielding above 4% p.a.

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	Capital Price (\$)	Unrealised Gain (\$)
SUNCORP	AAA	12/07/2028	AU3FN0079406	\$2,000,000	+52.0bp	\$101.134	\$22,686
CBA	AA-	17/08/2028	AU3FN0080396	\$1,000,000	+52.0bp	\$100.950	\$9,501
HSBC	AA-	03/03/2028	AU3FN0075792	\$2,000,000	+52.0bp	\$100.958	\$19,162
ANZ	AA-	05/02/2029	AU3FN0084398	\$2,500,000	+57.0bp	\$101.021	\$25,530
Rabo	A+	26/02/2029	AU3FN0085163	\$2,000,000	+61.0bp	\$101.113	\$22,264

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## Term Deposit Market Review

### Current Term Deposits Rates

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

ADI	LT Credit Rating	Term	Rate % p.a.
ING	A	5 years	5.05%
BoQ	A-	5 years	5.04%
Westpac	AA-	5 years	4.96%
CBA	AA-	5 years	4.91%
BoQ	A-	4 years	4.99%
ANZ	AA-	4 years	4.98%
ING	A	4 years	4.97%
Westpac	AA-	4 years	4.92%
BankVic	BBB+	3 years	5.05%
BoQ	A-	3 years	4.94%
ANZ	AA-	3 years	4.93%
Westpac	AA-	3 years	4.90%
Arab Bank Aus.	Unrated	2 years	5.11%
BankVic	BBB+	2 years	5.00%
Westpac	AA-	2 years	4.90%
NAB	AA-	2 years	4.90%

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	5.18%
Arab Bank Aus.	Unrated	12 months	5.11%
MyState Bank	BBB	12 months	4.95%
ING	A	12 months	4.93%
ICBC Sydney	A	12 months	4.90%
Bank of Sydney	Unrated	9 months	4.97%
BoQ	A-	9 months	4.85%
Bank of Us	BBB+	9 months	4.85%
MyState Bank	BBB	9 months	4.85%
Westpac	AA-	9 months	4.83%
Bank of Sydney	Unrated	6 months	4.97%
BoQ	A-	6 months	4.85%
MyState Bank	BBB	6 months	4.80%
Bank of Us	BBB+	6 months	4.78%
Suncorp	AA-	6 months	4.74%
Bank of Sydney	Unrated	3 months	4.61%
MyState Bank	BBB	3 months	4.55%
Heritage Bank	BBB+	3 months	4.50%
Bank of Us	BBB+	3 months	4.48%
NAB	AA-	3 months	4.45%

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.

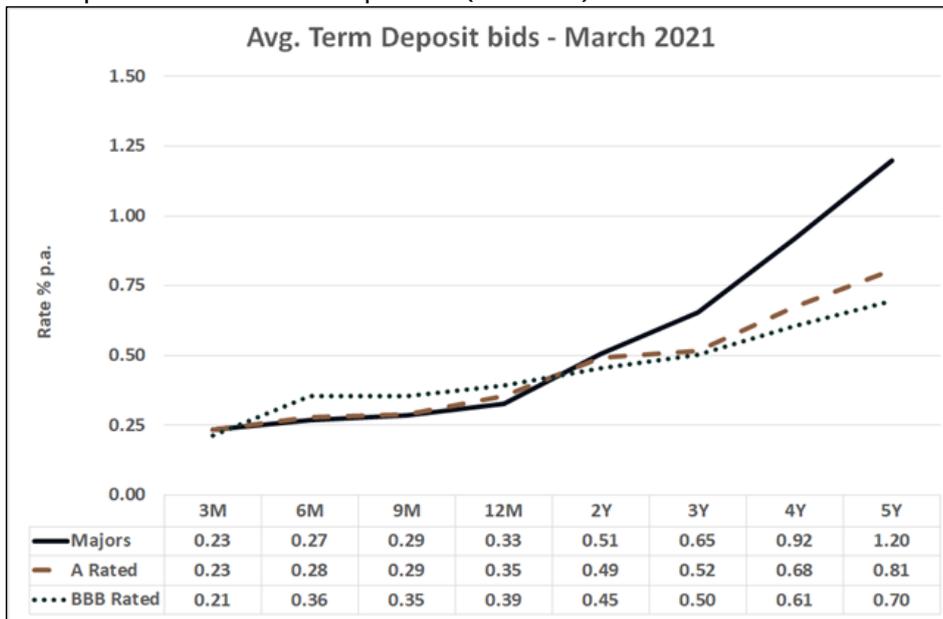
Despite the potential for additional rate hikes in 2026, investors should consider allocating some longer-term surplus funds and undertake an insurance policy by investing across 1-5 year fixed deposits and locking in rates above 4% p.a. This will provide some income protection if official rates remain steady over a cycle (the RBA gets inflation under control).



**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)**



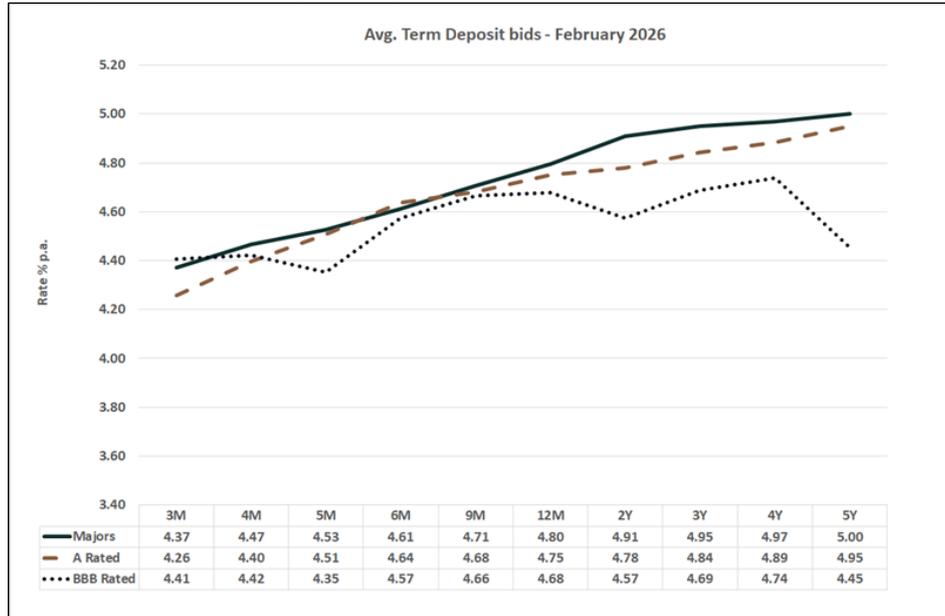
Source: Imperium Markets

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 (February 2026)**



Source: Imperium Markets

**Financial Stability of the Banking (ADI) Sector**

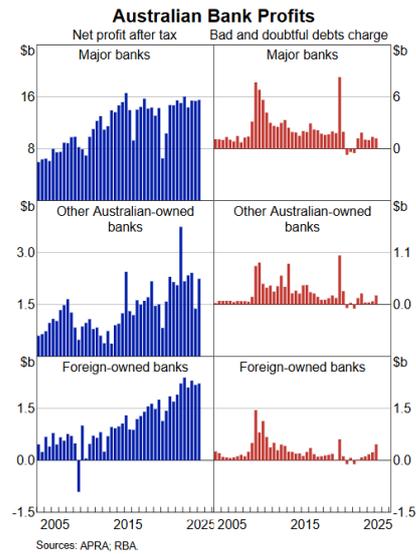
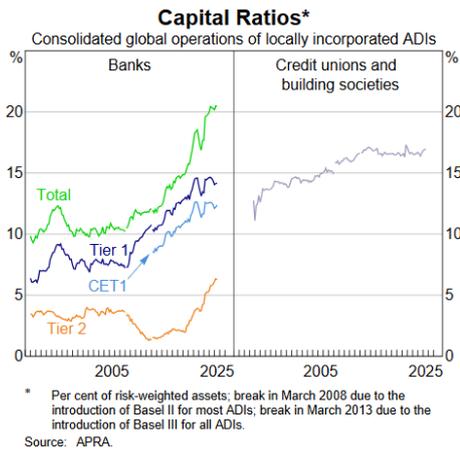
The RBA’s Financial Stability reaffirms the strong balance sheet across the ADI sector. They noted that the risk of widespread financial stress remains limited due to the generally strong financial positions of most (individual) borrowers. Very few mortgage borrowers are in negative equity, limiting 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 *Capita 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 covers two stress-test environments being the GFC (September 2008) and the COVID pandemic period (March 2020):



The Council of Financial Regulators (CFR) – being the Australian Prudential Regulation Authority (APRA), the Australian Securities and Investments Commission (ASIC), the Australian Treasury and the Reserve Bank of Australia (RBA), have the ultimate aim of promoting the stability of the financial system, whilst supporting effective and efficient regulation. In their latest quarterly review, the CFR agreed on the following priorities heading into 2026:

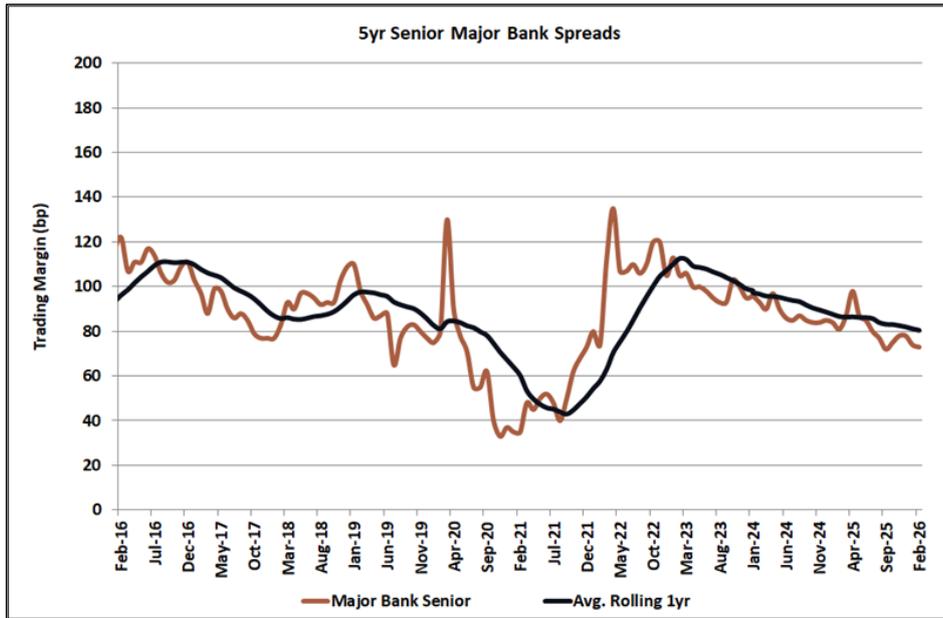
- Improving preparedness for geopolitical risks;
- Operational vulnerabilities, including cyber, third parties and AI;
- Amplification of systemic liquidity risk: further strengthening CFR and industry readiness to respond to systemic liquidity stress events; and
- High household leverage: continuing to closely monitor household leverage and bank lending standards.

The Council noted that in each of these priority areas, CFR agencies are taking forward a number of initiatives to strengthen the resilience of the financial system.



## Senior FRNs Market Review

Over February, amongst the senior major bank FRNs, physical credit securities remained relatively flat at the long-end of the curve. During the month, WBC (AA-) issued a new 3 year senior security at +58bp. Long-term major bank senior securities are looking 'expensive' on a historical basis, noting the 5yr margin has averaged around the +92bp level over a cycle (currently around +73bp).



Source: IBS Capital

Amongst the "A" and "BBB" rated sector, the securities also remained flat at the 3-5 year part of the curve. Overall, credit securities are slightly expensive on a historical basis but remain a good option for diversification purposes. 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 (and especially if the RBA's easing cycle is over).



Senior FRNs (ADIs)	27/02/2026	31/01/2026
"AA" rated – 5yrs	+73bp	+74bp
"AA" rated – 3yrs	+58bp	+59bp
"A" rated – 5yrs	+80bp	+80bp
"A" rated – 3yrs	+63bp	+65bp
"BBB" rated – 3yrs	+95bp	+95bp

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-2029 for the "AA" rated ADIs (domestic major banks);
- On or before mid-2027 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)**

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	2.65	4.79%	4.96%
AU3CB0308955	BoQ	A-	Senior	30/04/2029	3.17	5.30%	5.05%
AU3CB0319879	Nova Sco.	A-	Senior	21/03/2030	4.06	5.23%	5.32%



## Economic Commentary

### International Market

Financial markets remained resilient in February on expectations of further rate cuts in the US, corporate earnings holding up, and a 'soft landing' with regards to the outlook for global growth.

Across equity markets, the US indices moved against global trends with the S&P 500 Index falling -0.87%, whilst the tech heavy NASDAQ slumped -3.38%. Europe's main indices performed strongly, with gains in UK's FTSE (+6.87%), France's CAC (+5.45%) and Germany's DAX (+2.96%).

US CPI rose +0.2% m/m in January, with the annual rate slowing to +2.4% (from +2.7%). Core CPI (excluding food and energy) increased +0.3% m/m, in line with expectations. The US unemployment rate fell to 4.3% in January, below consensus for it to remain at 4.4%.

The US 10% global tariff came into effect under Section 122 during the month.

Canada's unemployment rate fell to 6.5% (from 6.8%) which is the lowest rate since September 2024.

The BoE held rates as expected at 3.75% but surprised markets with the closeness of the vote decision at 5:4 to hold, slashing inflation forecasts for 2026 and beyond as well as cutting back near-term economic growth estimates and raising unemployment forecasts. UK unemployment rose to 5.2% in the three months to December, above consensus for it to remain at 5.1%.

Euro area inflation eased as expected in January, with headline CPI at +1.7% y/y and core slowing to +2.2% y/y, while services inflation cooled to +3.2% y/y.

Japan's economy grew just +0.2% annualised in Q4 (sharply below forecast of +1.6%) as consumption slowed during the fourth quarter. Full year 2025 GDP growth was +1.1%, the fastest expansion since 2022.

New Zealand's unemployment rate for Q4 came in at 5.4% vs. 5.3% expected.

In China, CPI was up just +0.2% y/y in January, from +0.8% and below the +0.4% consensus.

The MSCI World ex-Aus Index rose +0.64% for the month of February:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-0.87%	+0.43%	+15.52%	+20.11%	+12.54%	+13.54%
MSCI World ex-AUS	+0.64%	+3.66%	+21.69%	+21.27%	+13.05%	+13.92%
S&P ASX 200 Accum. Index	+4.11%	+7.34%	+16.19%	+12.22%	+10.78%	+10.76%

Source: S&P, MSCI



**Domestic Market**

In a unanimous decision, the RBA Monetary Policy Board increased the cash rate by 25bp to 3.85%. The RBA sees the labour market as a “little tight” and that capacity constraints are binding more than previously expected.

The RBA’s February minutes indicate this month’s cash rate hike was driven by stronger-than-anticipated economic data, ongoing broad-based inflation, and easing financial conditions. Policymakers continue to stress no fixed path for future rates as their decisions will remain data dependent.

Headline January CPI was +3.8% y/y in January, whilst the monthly trimmed mean was +0.3% m/m to be +3.4% y/y. The data confirms price pressures continue to run above the RBA’s target band, leaving them on track for additional tightening.

Australia’s Wage Price Index rose +3.4% y/y in Q4 2025 (from +3.3%). Quarterly growth was steady at +0.8%, in line with consensus and RBA forecast.

The unemployment rate was 4.1% in January, slightly better than the 4.2% expected. During the month, total employment increased by 17.8k, with full-time employment rising 50k, which was partly offset by a decrease of 33k in part-time employment. The participation rate held steady at 66.7%.

Dwelling prices across the combined capitals have risen +9.2% over the past year. In January, prices rose +0.7% m/m, even as Sydney and Melbourne have slowed

The Australian dollar gained around +1.74%, finishing the month at US71.26 cents (from US70.04 cents the previous month).

**Credit Market**

The global credit indices widened during the month. They remain near the levels observed in July 2025. The stability indicates a period of relative calm in credit markets, with spreads maintaining levels below historical averages.

Index	February 2026	January 2026
CDX North American 5yr CDS	54bp	49bp
iTraxx Europe 5yr CDS	54bp	52bp
iTraxx Australia 5yr CDS	67bp	65bp

Source: Markit



## Fixed Interest Review

### Benchmark Index Returns

Index	February 2026	January 2026
Bloomberg AusBond Bank Bill Index (0+YR)	+0.28%	+0.30%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.88%	+0.21%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.32%	+0.46%
Bloomberg AusBond Credit Index (0+YR)	+0.64%	+0.32%
Bloomberg AusBond Treasury Index (0+YR)	+0.98%	+0.04%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+1.08%	+0.32%

Source: Bloomberg

### Other Key Rates

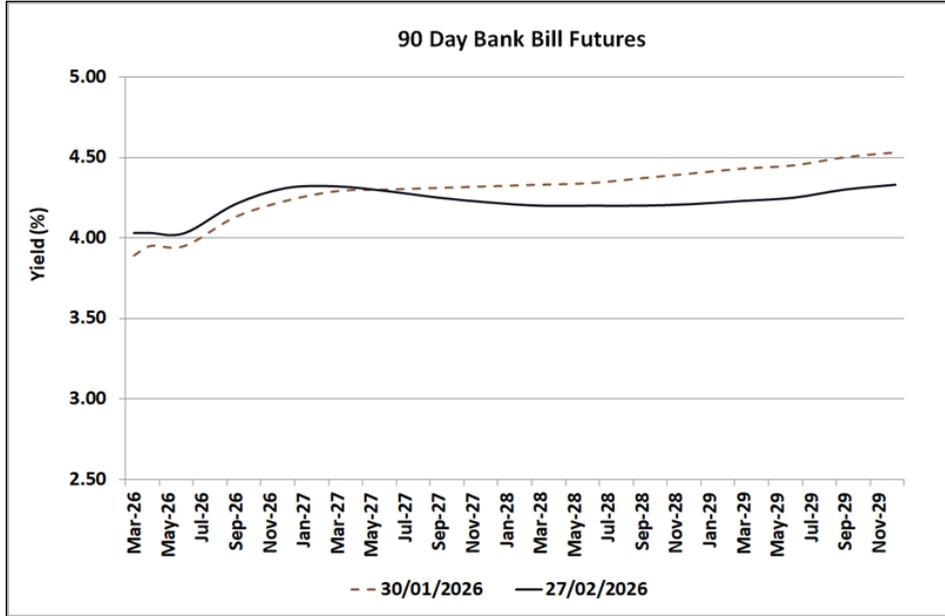
Index	February 2026	January 2026
RBA Official Cash Rate	3.85%	3.60%
90 Day (3 month) BBSW Rate	3.99%	3.84%
3yr Australian Government Bonds	4.21%	4.25%
10yr Australian Government Bonds	4.64%	4.80%
US Fed Funds Rate	3.50%-3.75%	3.50%-3.75%
2yr US Treasury Bonds	3.38%	3.52%
10yr US Treasury Bonds	3.97%	4.26%

Source: RBA, ASX, US Department of Treasury



**90 Day Bill Futures**

Bill futures were mixed during the month. The short-end moved higher on expectations of further rate cuts in coming months but the long-end remained relatively flat as the market had already priced in a slightly higher rate environment in the past few months.



Source: ASX

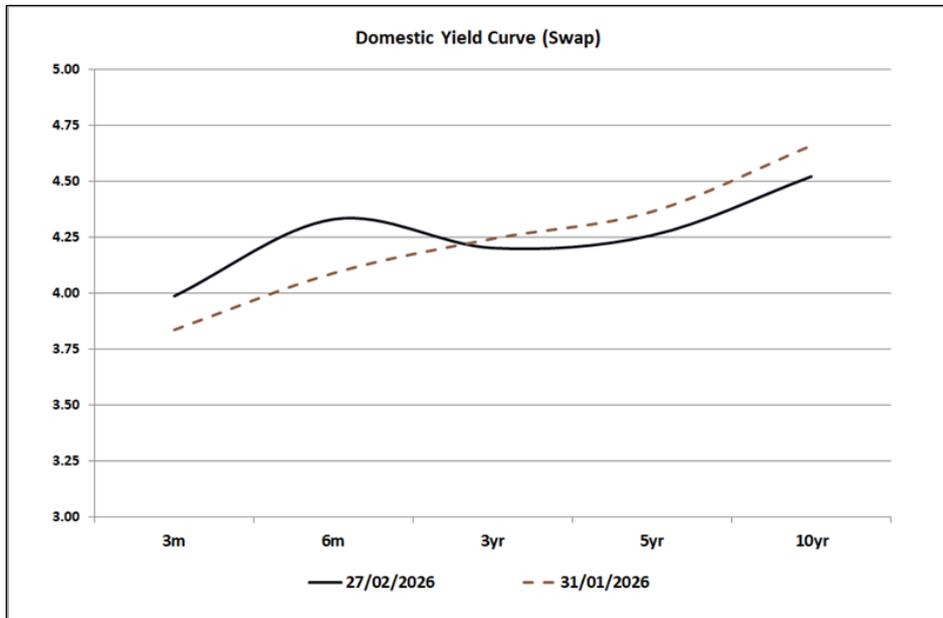


### Fixed Interest Outlook

The bulk of the US FOMC committee sees official rates ending 2026 at 3.00%-3.25% (effectively two rate cuts) or at 3.50%-3.75% (unchanged). The median dot for 2027 and 2028 remained at 3.00%-3.25%.

Domestically, after lifting rates in February, the Board now expects trimmed mean inflation to end 2026 at +3.2% y/y. The pickup in private demand has been stronger and capacity constraints are binding more than the RBA had previously expected. Should inflationary pressures remain persistent and / or domestic economic activity surprise on the stronger side of expectations (tight labour market and wage growth elevated), the RBA may be forced to consider the need for further rate hikes for the remainder of 2026.

Yields fell up to 14bp at the longer-end of the curve this month:

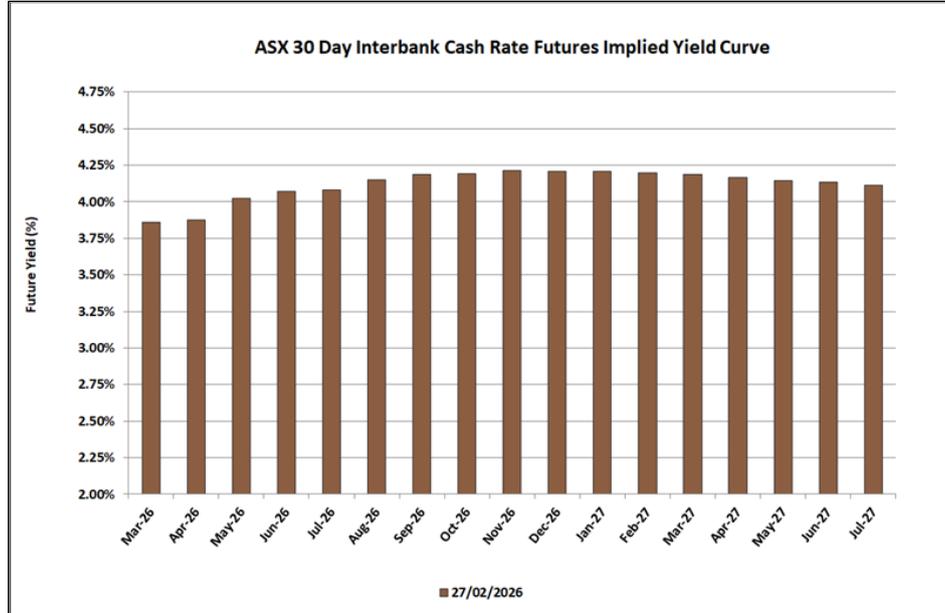


Source: ASX, RBA

CL26.51 - Attachment 1



Financial markets are now pricing an additional two rate hikes in 2026, with the next increase fully priced in by August:



Source: ASX

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# Statement of Investments

as at 28 February 2026

## Portfolio by Asset as at 28/02/2026

### Asset Type: CASH

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
State Insurance Regulatory Authority	AA+	CASH	GENERAL	Monthly	28/02/2026	28/02/2026	0.0000	6,675,000.00	6,675,000.00
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	28/02/2026	28/02/2026	3.7000	38,039,278.64	38,039,278.64
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	28/02/2026	28/02/2026	0.0000	5,343,970.24	5,343,970.24
<b>CASH SUBTOTALS</b>								<b>50,058,248.88</b>	<b>50,058,248.88</b>

### Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	01/03/2024	04/03/2026	4.9500	3,000,000.00	3,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	12/03/2025	12/03/2026	4.5900	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	28/03/2025	30/03/2026	4.7000	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	02/04/2025	02/04/2026	4.7000	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	31/07/2025	08/04/2026	4.1700	5,000,000.00	5,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	14/10/2025	14/04/2026	4.3400	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	09/05/2025	06/05/2026	4.1000	5,000,000.00	5,000,000.00
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

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
NAB	AA-	TD	GENERAL	At Maturity	12/06/2025	12/06/2026	4.1700	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	10/07/2025	10/07/2026	4.1400	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	15/07/2025	15/07/2026	4.1300	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	31/07/2025	31/07/2026	4.1700	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	06/08/2025	06/08/2026	4.1600	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	Annual	18/08/2025	18/08/2026	4.1200	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	21/08/2025	21/08/2026	4.1300	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	28/08/2025	28/08/2026	4.1400	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	05/09/2025	07/09/2026	4.1800	10,000,000.00	10,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	29/09/2025	29/09/2026	4.3000	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	14/10/2025	14/10/2026	4.2000	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	11/11/2025	11/11/2026	4.3500	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	24/11/2025	24/11/2026	4.3700	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	10/12/2025	10/12/2026	4.6600	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	16/12/2025	16/12/2026	4.6300	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	18/12/2025	18/12/2026	4.6300	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/02/2026	03/02/2027	4.8100	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	16/02/2026	16/02/2027	4.9000	10,000,000.00	10,000,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Westpac	AA-	TD	GENERAL	At Maturity	20/02/2026	20/04/2027	4.9300	10,000,000.00	10,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	27/02/2026	27/05/2027	4.9300	10,000,000.00	10,000,000.00
NAB	AA-	TD	GENERAL	Annual	01/03/2024	15/12/2027	4.7000	3,000,000.00	3,000,000.00
<b>TD SUBTOTALS</b>								<b>196,000,000.00</b>	<b>196,000,000.00</b>

### Asset Type: FRN

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
HSBC Bank, Sydney Branch	AA-	FRN	GENERAL	Quarterly	03/03/2023	03/03/2028	4.7184	2,019,162.00	2,000,000.00
Suncorp Bank	AAA	FRN	GENERAL	Quarterly	12/07/2023	12/07/2028	4.7870	2,022,686.00	2,000,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	17/08/2023	17/08/2028	4.9142	1,009,501.00	1,000,000.00
Bendigo and Adelaide	A-	FRN	GENERAL	Quarterly	24/10/2024	24/10/2028	4.7716	603,937.20	600,000.00
BOQ	A-	FRN	GENERAL	Quarterly	20/11/2025	20/11/2028	4.7568	4,004,008.00	4,000,000.00
ANZ Bank	AA-	FRN	GENERAL	Quarterly	05/02/2024	05/02/2029	4.8926	2,525,530.00	2,500,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	26/02/2024	26/02/2029	5.0223	2,022,264.00	2,000,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	19/03/2024	19/03/2029	4.7075	1,261,672.50	1,250,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	17/07/2024	17/07/2029	4.6367	1,309,874.80	1,300,000.00
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.0068	2,728,069.20	2,700,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
NAB	AA-	FRN	GENERAL	Quarterly	14/11/2024	14/11/2029	4.7772	1,508,349.00	1,500,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	09/01/2025	09/01/2030	4.5785	2,515,937.50	2,500,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	21/05/2025	21/05/2030	4.9235	2,418,736.80	2,400,000.00
Westpac	AA-	FRN	GENERAL	Quarterly	19/06/2025	19/06/2030	4.5575	4,021,064.00	4,000,000.00
ING Bank (Australia) Ltd	AAA	FRN	GENERAL	Quarterly	15/08/2025	15/08/2030	4.7372	2,010,090.00	2,000,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	15/01/2026	15/01/2031	4.4654	6,505,102.50	6,500,000.00
<b>FRN SUBTOTALS</b>								<b>38,485,984.50</b>	<b>38,250,000.00</b>

### Portfolio by Asset Totals as at 28/02/2026

Type	Capital Value (\$)	Face Value (\$)
CASH	50,058,248.88	50,058,248.88
TD	196,000,000.00	196,000,000.00
FRN	38,485,984.50	38,250,000.00
<b>TOTALS</b>	<b>284,544,233.38</b>	<b>284,308,248.88</b>

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“Accrued Interest” is the the accrued amount calculated since either from the purchase date or the last payment date. The quoted figure is not the accrued interest for the financial year to date (FYTD).

**Submissions Count (Post Gateway Notification Period)**

Count	Submission
1	<p>I object to the following Planning Proposal (PP079) change:</p> <p>"Amend Clause 4.3 Height of Building development standard related to the subject land to 12 metres across all sites (from the existing 7.5 metre height limit that applies to 28 Bowen Street and 11 metre height limit that applies to 34-38 Hawke Street)."</p> <p>The result would be an almost doubling of building height at 28 Bowen street, not only changing the character of the street and surrounding area, but setting a precedent for further increases in building height.</p> <p>I strongly believe one of the biggest appeals of Huskisson is that the limits on building heights allow the natural environment, and particularly large trees, to dominate the landscape and heighten its relationship with our stunning coastline and waters.</p> <p>As well as aesthetic considerations, maintaining current height limits is important for protecting lines of sight/views and also preventing against lost sunlight for the area surrounding the building.</p> <p>Thank you for taking my views into account.</p>
2	<p>Hi Grace are there any plans available to view of the complex? Where is the entry way into the complex?</p>
3	<p>As a longstanding local tourism business owner I am very much in favour of sustainable development that enhances the character of the area and in particular that adds a much needed full service hotel that provides a much needed category of accommodation and more permanent jobs instead of more holiday apartments disguised as 'affordable housing'.</p> <p>The site in question seems an obvious place for such a development as it is pre-existing, is of significant size and does not require land clearing to make way for it. However, I am concerned that by changing the height allowances for this project this will set a precedent that results in all new developments being built to the increased height, and in a few years another developer will come along and request ANOTHER height increase so that over time the mechanisms that were put in place to ensure that increased density and development does not spoil the natural asset of Jervis Bay will be eroded. Instead of buildings being built to sit within the tree canopy, thereby ensuring the natural environment and vista is maintained, they will eventually dominate the shoreline and the unique character and unspoilt beauty of Jervis Bay will be lost. It's not clear why this additional height is needed, presumably the development can proceed also within the existing height requirements, so please can we just stick to those?</p>
4	<p>I am against the proposed amendment. I support and agree with the thoughtful and thorough submissions of [REDACTED]. All at SCC are employed by the people to act in their best interest. Overdevelopment, inappropriate development and illegal development are not in anyone's interest now or in the future other than perhaps</p>

	the developer/s and anyone associated with them, no matter how distantly. There is not one ethical or lawful reason for the approval of this amendment.
5	I see danger in making an exception to the height limit for just one development. We have an LEP and I would lose confidence in the council's motives if this proposal is approved.
6	<p>I am a resident [REDACTED]. The property in question is [REDACTED] unnamed laneway from our property. The proposed height increases to the proposed development will have an impact on our property and the surrounding environment. Shoalhaven Council have an LEP in place that should be adhered to - in this case any consideration to increasing the height restrictions will be for the benefit of the developer and not the community. There has been no thought as to how it will impact residents or the community, only that there will be more money in the development for the developer. It is not in character with the surrounding buildings and will overpower those buildings. There are sympathetic developments in the area which shows that development can be undertaken and money made without contravening the current planning laws. Developers should not have favourable consideration at the expense of residents. The submission suggests that it will be of benefit for tourists - tourists should not override the rights of residents to live in ambient surroundings which is why they chose to live where they do. Tourists also visit Huskisson for its natural beauty and village atmosphere, a building of this nature is not conducive to fitting in with the village atmosphere. We do not want Huskisson to become the Gold Coast - if tourists want a Gold Coast experience, they can visit the Gold Coast. I would like to understand why Council believe this development should be approved and which councillors have a vested interest in the development.</p> <p>The submission also only considers the aspect of the proposed building from a residence in Hawke Street which is across a road which is quite wide - it has not taken into consideration the aspect from residences closer to the site in question - increasing the height restrictions will end up with a building that looks like a giant box beside single level dwellings and will not suit the village nature of Huskisson. We did not support the original DA nor do we support the request to contravene Council's own LEP. We request that Council reconsider its stance on this proposal and deny the application. We are not against development per se in the area, however, any development needs to comply with the planning rules, be in sympathy with the surrounding environment and take into account residents' free enjoyment of their properties without having to contend with the results of development applications that are not within the Council's own planning rules.</p>
7	<p>I am opposed to any change to the current height limitations in the LEP for this site. The site is surrounded by residential homes that will be impacted by shadowing and the use of the church site opposite has been used as an example of approvals for this height. There are no approvals for the church site and it is still zoned religious and special purposes. The height of this building if approved will dramatically change the frontage of a green space which had been recognised previously as essential to the character of a destination park which is opposite. Approvals of this type are solely for the benefit of the developer who wants as much development as possible regardless of the cost to the surrounding residents, character of the community or demands on infrastructure. The</p>

	<p>current height limit was created for many valid and important reasons and there must be a line drawn to stop this destructive creep of poor planning decisions.</p>
8	<p>██████████ I don't have any university degrees to quote all the council references. I Am however Wise to know what My ❤️ is feeling as I walk around Huskisson,to be honest.....</p> <p>The Council , Developers, from out of town/ overseas....Who have NO idea of this Sacred Indigenous land.Our Heritage or anything about Huskisson ...NO other interest but money, have already Destroyed !!A HEALTHY NATURAL WONDERLAND.</p> <p>Where 6years ago I woke to a Symphony of BIRD SONGS...TODAY 1 BIRD Call ❤️</p> <p>ALL the Trees All the birdlife in Huskisson....Gone</p> <p>I was a part of 6year HHA Protection campaign .We ALL SEE clearly what Council vision was.....THE PEOPLES L ❤️ VE of THIS VILLAGE</p> <p>Stopped that development.</p> <p>I AM ONE L ❤️ VE....</p> <p>And it's MY BIG NO NO NO NO NO</p> <p>to Developers . Big boring rectangle/Square boxes</p> <p>My ❤️ speaks ██████████</p> <hr/> <p>██████████ Absolutely YES!! to that development And ALL FUTURE Developments. ❤️ 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 🌳 known as the tall people in Indigenous culture, ██████████</p>
9	<b>PDF Document Attached</b>
10	<b>PDF Document Attached</b>
11	<b>PDF Document Attached</b>
12	<b>PDF Document Attached</b>

CL26.54 - Attachment 1

[Note: sent via 'make a submission' box on SCC website on 16 October, 2025]

**Submission on Planning Proposal PP079 — 28 Bowen Street & 34–38 Hawke Street, Huskisson:** Amendment to Shoalhaven LEP 2014, Clause 4.3 — Height of Buildings Map (Bowen & Hawke Streets, Huskisson)

From: [REDACTED]

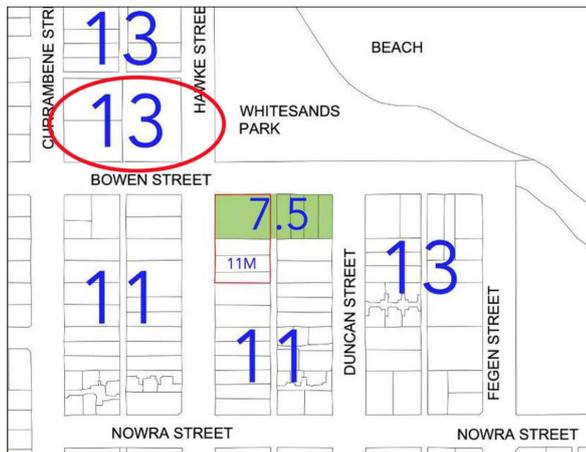
To: The Chief Executive Officer, Shoalhaven City Council

Date: 16/10/2025

This submission opposes the proposed Local Environmental Plan (LEP) amendment to increase the building height control for the subject land from 7.5 m and 11 m to a uniform 12 m, facilitating development of a large tourist resort.

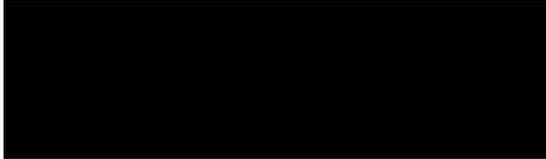
I note that the Planning Proposal is submitted by Jervis Bay Town Planning as an alternative way to facilitate this development following withdrawal of an earlier DA 23/ 1562 that was refused because it did not conform to the height limits and was the subject of widespread community concern. As everyone knows, this kind of 'spot' approval sets a precedent for the next non-conforming height approval, and the next, and the next, until the intentions of Council's planning instruments are jettisoned, non-compliance is routinely rewarded and the character of the built environment disappears.

The submission argues this over height demand is a "minor alignment" to surrounding R3 zoning. In order to make an argument for 12 meters height, the PP contains a map on page two providing the surrounding height limits. Visually, 12 meters seems to more or less 'fit'. However, this map is incorrect. It labels the former church site on the opposite corner of Bowen and Hawke Street as 13 meters. **The limit is 10 metres.** [I have checked my own understanding of this with Council's planner allocated to oversee this submission who agreed the height is 10 meters.]



Given the heritage constraints over this whole block, any major height increase is unlikely at present. There are no submissions in relation to this land, as far as I am aware, and the proposed tourist resort diagonally opposite will dominate the Bowen and Hawke Street corner to the detriment of both the White Sands Park and the little heritage church.

I ask that you reject the proposed LEP amendment in its current form. It relies on incorrect information and it flies in the face of good urban design. This rezoning should not be used to circumvent a DA already refused by Council for good planning reasons.



16.10.2025

[I also point out that the Aboriginal Due Diligence Report attached to this PP (Apex Archaeology , report to PCD Lawyers and Town Planners) states that ‘there is no known evidence of initial contact between Aboriginal people and colonists within the study area, although it may have been possible.’ Given prior disturbance on this site it may be reasonable to anticipate no evidence, but it should be noted that this Due Diligence Report does not mention recent research into Aboriginal burials, nor the Ground Penetrating Radar survey carried out for the Shoalhaven City Council in 2021 ( Hunter Geophysics, ‘Geographical Survey Report, Former Anglican Church site, Huskisson’, for Navin Officer Heritage Consultants, March 2021.) This study indicates the probability of a large number of graves on the former church site, with possible of graves in Bowen Street – not necessarily Aboriginal, but suggesting burials prior to Bowen Street being made a road. Several surveys also located possible graves at the northeast corner of Bowen and Hawke Streets, opposite the proposed resort site, next to the church and predating its construction.]

**Online Public Submission (Portal)**

Reference no. [REDACTED]

Title	[REDACTED]
First Name	[REDACTED]
Family Name	[REDACTED]

Email	[REDACTED]
Suburb/Town	Huskisson
I have made a reportable political donation	No

**Submission**

Good day,

We seriously question the impact of this overdevelopment on the immediate area.

With an anticipated footprint nearing the size of half a football field and a projected height of 14 or more metres including the elevator overruns, it could not be more out of place with the neighbouring homes and in contrast with the attraction of Huskisson as a popular family holiday destination. Not to mention the ugly “black eye” it will give to the current use and natural beauty of White Sands Park.

As permanent residents [REDACTED] the proposed development we are greatly concerned by the apparent lack of control being shown by Council for this site.

Specifically:

- The proposed changes will be inconsistent with the rest of that zone.
- The proposal contradicts existing Shoalhaven planning documents regarding Huskisson such as the Shoalhaven Growth Management Strategy, and Jervis Bay Settlement Strategy.
- This will be ‘spot rezoning’ for the benefit of the developer, but without consideration to resident and visitor values or concerns.
- There has been no attempt by the developer to offer a proposal within the existing LEP - and so approving this application undermines the integrity of the existing LEP and sends a message to all developers that they don’t need to work within the Shoalhaven planning regulations.
- Approving the application will be contrary to the Ministerial Direction 1.4 (Site-Specific provisions) which discourages supporting ‘bespoke’ changes which benefit a single landholder.
- We note that ICAC already has investigations (e.g., Canterbury, Auburn) into ad hoc planning amendments post-DA refusal as a hallmark of compromised planning integrity.

- The proposal benefits a single landholder, conflicting with Ministerial Direction 1.4 (Site-Specific Provisions), which discourages unnecessary bespoke controls.
- We ask that as per s.10.4 of the EP&A Act Council disclose any lobbying, meetings, or correspondence between councillors and proponents.

Again we wish to resubmit our initial letter of objection which we believe remains entirely relevant. **See attached file.**

And again we stress we are not blindly anti-development, in fact a smaller version of their proposal would be welcomed, but simply ask that that some degree of community consideration and foresight prevails in the determining of such large projects.

Thank you,



D23/341175

**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** "Development" <Development@shoalhaven.nsw.gov.au>  
**Cc:**  
**Subject:** Submission of Objection, DA 23/1562, Bowen & Hawke Streets Huskisson  
**Attachments:** Submission of Objection-DA23-1562-28 Bowen & 34 - 38 Hawke Streets Huskisson.pdf

Attention: Lachlan Jones

Please find attached a submission in relation to DA 23/1562 concerning 28 Bowen and 34 – 38 Hawke Streets Huskisson that our firm has prepared on behalf of [REDACTED] who own and reside at [REDACTED] Huskisson.

We would request that Council takes the attached submission into its consideration of this development application.

Regards

[REDACTED]

CL26.54 - Attachment 1



75

23 August, 2023

Our ref: 130846-S

Your ref: DA23/1562

The Chief Executive Officer  
Shoalhaven City Council  
PO BOX 42  
NOWRA NSW 2541

Attention: Lachlan Jones

Dear Sir

**RE: SUBMISSION OF OBJECTION – DA23/1562  
PROPOSED TOURIST RESORT  
28 BOWEN & 34 – 38 HAWKE STREETS HUSKISSON**

**1.0 Introduction**

Our firm has been engaged by [REDACTED] owners and residents of [REDACTED] [REDACTED] Huskisson to review the above development application and to make this submission of objection in relation to this development application on their behalf. The [REDACTED] is located [REDACTED] the subject site.

I can advise that neither our clients nor we have made any reportable political donations or gifts pursuant to Section 10.4 of the Environmental Planning & Assessment Act 1979.

This submission has been prepared following:

- A review of the documentation prepared in support of the development application, and which is available for public inspection on Council's DA Tracking web site.
- A review of the relevant planning provisions that apply to the site and this form of development.
- Inspection of the site and surrounding locality.

At the outset I would like to note that our client's do not object to the redevelopment of the existing motel situated on the subject site. They believe the redevelopment of this site has the potential to improve the appearance and streetscape of this part of Huskisson. They however object to the proposed building height and scale which substantially exceeds the maximum building height limit that applies to this site under Clause 4.3 of the Shoalhaven Local

*Liability limited by a scheme approved under Professional Standards Legislation.*

CL26.54 - Attachment 1

Environmental Plan 2014 (“the LEP”). Under these circumstances this submission concentrates solely on the issue of the building height of the proposed development.

## 2.0 Reasons for Objection

### 2.1 Clause 4.3 of the LEP and the Building Height Limit

Clause 4.3 of the LEP outlines provisions relating to the height of buildings and reads:

#### 4.3 Height of buildings

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

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

(2A) *If the [Height of Buildings Map](#) does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.*

Under the provisions of Clause 4.3 of the LEP the subject site is subject to two maximum building height limits:

- No. 28 Bowen Street is subject to a maximum building height limit of 7.5 metres.
- 34 – 38 Hawke Street are not subject to a specific mapped building height limit and are therefore subject to the provisions of Clause 4.3(2A) which in effect imposes an 11-metre height limit on this part of the site.

It is understood from a review of the documentation that supports the development application that the proposal will exceed the above height limits as follows:

- A maximum encroachment of the 7.5 m height limit by 5.5 m (73%)
- A maximum encroachment of the 11 m height limit by 1.87 m (17%).

It is noted that the extent of the encroachment of the building height limit is not uniform across the proposed development.

- The encroachment of the 7.5 metre height limit ranges from 12.2 % to 73%. The 73% encroachment relates to a lift overrun providing access to the upper floor function area terrace; and
- The extent to which the building exceeds the 11 m height limit ranges from 0 to 17%, with the 17% encroachment involving a lift overrun that will provide access to upper floor level tourist accommodation units.

## 2.2 Clause 4.6 Written Request

Clause 4.6 of the LEP enables consent authorities to approve development that may not strictly comply with a development standard (such as in this case the building height limit imposed by Clause 4.3). Prior to considering such a departure to a development standard, the consent authority is required to consider a written request that supports such a departure, and which demonstrates pursuant to Clause 4.6(3):

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

### 2.2.1 Objectives of Standard

The development application is supported by a Clause 4.6 Written Request prepared by PDC Lawyers & Town Planners (“PDC Clause 4.6 Written Request”) dated August 2022. The PDC Clause 4.6 Written Request seeks to demonstrate that compliance with this development standard is unreasonable or unnecessary because the underlying objectives of the development standard are achieved.

The objectives of Clause 4.3 are outlined in Clause 4.3(1) and read:

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

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
  - (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
  - (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*
- *Compatibility of Proposal with height, bulk and scale of existing & desired future character of locality*

The PDC Clause 4.6 Written Request seeks to demonstrate that the proposal will be compatible with the height, bulk and scale of the existing and desired future character of a locality by:

- Drawing attention to the location of the site opposite White Sands Park and waterfront views available across this park; and the proposed re-development would contribute to enhancing and modernising the streetscape.
- Reflecting on the building height limits that apply to surrounding lands including 10 m to the north-west, 11 m to the south and 13 m to the east.

The PDC Clause 4.6 Written Request also seeks to justify non-compliance with the building height limit by suggesting that:

- The height exceedance is limited to roof features, lift overruns and service areas.
- The proposal will maximise access to landscape and ocean views

- The proposal will not be visible from a public beach and will not dominate any views.

The PDC Clause 4.6 Written Request also seeks to justify non-compliance with the maximum building height limit given the height limits that apply to lands within the vicinity of the Bowen Street frontage of the site.

The bulk of the development however will be visible from along its frontage to Hawke Street (and to a lesser extent the laneway along its eastern boundary). Along these elevations the proposal will exceed both the 7.5 m height limit as well as the 11 metres building height limit.

As a result the proposal will present a three (3) to four (4) storey elevation along the Hawke Street frontage of the site.

The existing prevailing form of development along Hawke Street currently comprises a mixture of single detached dwelling houses and townhouses (multi-dwelling housing). These existing developments are limited to single and double storey in height. The proposal will represent a height of development that will be completely at odds with the prevailing building height of existing development along Hawke Street.

Furthermore the bulk and scale of the development will also be completely at odds with the existing prevailing bulk and scale of existing development along Hawke Street. The proposal will comprise an elongated building of approximately 65 metres length along this street frontage. The visual bulk of the proposal when viewed from Hawke Street will be further exacerbated by the horizontality of this particular elevation. Minimal attempt has been made to break up the western elevation to Hawke Street by articulating or modulating the façade of the proposed development to this street frontage.

The majority of existing development along Hawke Street reflects the existing allotment configuration with far more compact development frontages which results in a rhythm of development comprising more vertical proportion along this streetscape.

The development will also provide minimal landscape setback between what will be a substantial building and the Hawke Street frontage of the site.

The cumulative effect of the above concerns exacerbate the visual bulk and scale of the development such that it will not be compatible with either the existing and desired future character of a locality.

The proposal will therefore not achieve objective (a) of Clause 4.3(1).

- *Visual Impact, Disruption of Views, Privacy & Solar Access*

For the reasons outlined above concerns are raised with the visual impact that the proposal will have on the streetscape along Hawke Street given its bulk and scale and the prevailing form of development along Hawke Street.

Our clients are also concerned that given the overall height of the development, presenting up to four (4) storeys along this road frontage, with multiple windows and living areas with external balconies, that their visual privacy will be impacted by guests staying in the units of the proposed development and overlooking their residence given the overall height of the proposed development. Our client's residence [REDACTED] [REDACTED] the Hawke Street frontage and the subject site.

The proposal will therefore not achieve objective (b) of Clause 4.3(1).

- *Heritage Items*

No. 40 Hawke Street (Lot 2 DP 323393), which adjoins the southern boundary of the subject site is an identified heritage item under the LEP. Schedule 5 (Part 1) describes this heritage item as a “*Victorian Georgian weatherboard cottage*”.

It is noted that the development application is supported by a Statement of Heritage Impact dated July 2022 prepared by Apex Archaeology. Section 5.2 of this Statement of Heritage Impact states that whilst the proposal will not physically impact the heritage item located at No 40 Hawke Street; it would have the potential to alter the setting of the heritage item through the form and scale of the proposed development.

Chapter 2 – *General and Environmental Considerations* of the Shoalhaven Development Control Plan 2014 (“the DCP”) outlines Council’s expectations for assessments of development within the vicinity of heritage items (Clause 3.3.3) which reads:

*Where development is to occur within the vicinity of a heritage item Council must make an assessment of the effect the carrying out of that development would have on the significance of the heritage item, its site and its setting. Such developments will need to provide a heritage impact statement (see Section 3.3.5) addressing the effect of the development.*

Clause 3.3.5 of this chapter of the DCP states:

*The Heritage Impact Statement should be prepared in accordance with NSW Heritage Manual “Statements of Heritage Impact” and “Assessing Heritage Significance Guidelines” and the principles of The Burra Charter. It should include a Statement of Significance which is a concise summary of the cultural significance of a place and includes an assessment of aesthetic, historic, scenic and cultural values and comparative criteria. The Heritage Impact Statement should address:*

- *The history and development of the place.*
- *The fabric of the place in terms of its original configuration and later alterations.*
- *The cultural significance of the place.*
- *A description of the proposed works.*
- *An assessment of the impact of the proposed works on the cultural significance of the item or place.*

Section 4.3 of the Heritage Impact Statement prepared by Apex Archaeology which supports the development application purports to provide an assessment of heritage significance having regard to criteria introduced by the Heritage Council of NSW. This section of the Heritage Impact Statement discusses the subject site however not No.40. Hawke Street, the identified heritage item that directly adjoins the subject site.

Likewise Section 4.4 of the Heritage Impact Statement addresses the heritage significance (or absence of such) of the subject site and is silent with respect to 40 Hawke Street.

Section 5.3 of the Statement of Heritage Impact provides an assessment of the impact of the proposed development on this neighbouring heritage item. Section 5.3 relies upon the site being subject to the DCP, and implies that the proposal has been designed in keeping with the requirements of the DCP and has been designed to respect the heritage values of 40 Hawke Street. The DCP does not provide any specific controls for this

location of Huskisson. Under these circumstances there are no specific controls detailed in the DCP however which relate to the impacts of development on the heritage significance of the neighbouring No. 40 Hawke Street.

The Statement of Heritage Impact does not provide any specific assessment of the proposed development and its impact on the heritage significance of this adjoining site.

Indeed the Statement of Heritage Impact is completely silent to the fact that the proposal encroaches above the maximum building height limits that apply to the site, and the implications that such encroachment will have on the heritage significance of this adjoining single street heritage item. This is a critical omission given the terms of Clause 4.3(1)(c).

The proposal will therefore not achieve objective (c) of Clause 4.3(1).

#### 2.2.2 Environmental Planning Grounds

The PDC Clause 4.6 Written Request also seeks to demonstrate that there are sufficient environmental planning grounds to justify the encroachment of the building height limit that applies to the site pursuant to Clause 4.6(3)(b). In doing so the PDC Clause 4.6 Written Request seeks to justify the building height encroachment having regard to the objects of the Environmental Planning & Assessment Act and the relevant aims of the LEP.

Throughout this section of the PDC Clause 4.6 Written Request, justification is provided on the basis that the proposal will result in "additional housing" and the proposal is consistent with goals of urban consolidation and the Shoalhaven Housing Strategy.

The proposal however involves a tourist resort providing short term tourist accommodation. The development application does not make any reference to or propose any dwellings for permanent accommodation. The justification provided in this section of the PDC Clause 4.6 Written Request is therefore completely irrelevant to the development proposal and should not be further considered.

The proposal therefore fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the building height limit set by Clause 4.3 of the LEP.

### **3.0 Conclusion**

This submission has been prepared on behalf of [REDACTED] owners and residents of [REDACTED] Huskisson. Our client's do not object to the redevelopment of the existing motel situated on the subject site. They believe the redevelopment of this site has the potential to improve the appearance of this site and the streetscape of this part of Huskisson.

They do however object to the proposed building height and scale which substantially exceeds the maximum building height limit that applies to this site under Clause 4.3 of the LEP. Under these circumstances this submission concentrates solely on the issue of the building height of the proposed development.

The development application is supported by the PDC Clause 4.6 Written Request which seeks to demonstrate that compliance with the building height limit imposed by Clause 4.3 is unreasonable or unnecessary as the underlying objectives of the development standard are achieved.

The objectives that underpin Clause 4.3 include:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality.*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*
- (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

This submission demonstrates that:

- The bulk of the development will be visible from along its frontage to Hawke Street. Along these elevations the proposal will exceed both the 7.5 m height limit as well as the 11 metres building height limit. As a result the proposal will present a three (3) to four (4) storey elevation along the Hawke Street frontage of the site.

The existing prevailing form of development along Hawke Street currently comprises a mixture of single detached dwelling houses and townhouses (multi-dwelling housing). These existing developments are limited to single and double storey in height. The proposal will represent a height of development that will be completely at odds with the prevailing building height along Hawke Street.

Furthermore the bulk and scale of the development will also be completely at odds with the existing prevailing bulk and scale of existing development along Hawke Street. The proposal will comprise an elongated building of approximately 65 metres. The visual bulk of the proposal when viewed from Hawke Street will be further exacerbated by the horizontality of this particular elevation. Minimal attempt has been made to break up the western elevation to Hawke Street by articulation or modulation of the façade to this street frontage.

The majority of development along Hawke Street reflects the existing allotment configuration with far more compact development frontages which results in a rhythm of development comprising more vertical proportion along this streetscape.

The development will also provide minimal landscape setback between what will be a substantial building and the Hawke Street frontage of the site.

The cumulative effect of the above concerns exacerbate the visual bulk and scale of the development such that it will not be compatible with either the existing and desired future character of a locality.

The proposal will therefore not achieve objective (a) of Clause 4.3(1).

- For the reasons outlined above concerns are raised at the visual impact that the proposal will have on the streetscape along Hawke Street given its bulk and scale and the prevailing form of development along Hawke Street.

Our clients are also concerned that given the overall height of the development, presenting up to four (4) storeys along this road frontage, with multiple windows and living areas with external balconies, our clients are concerned that their visual privacy will be impacted by guests staying in the units of the proposed development and overlooking their residence given the overall height of the proposed development.

The proposal will therefore not achieve objective (b) of Clause 4.3(1).

- The subject site also adjoins an identified heritage item under the LEP, No. 40 Hawke Street. The Statement of Heritage Impact that supports the development application does not provide any detailed assessment of the proposed development will have on the heritage significance of this adjoining site. Indeed the Statement of Heritage Impact is completely silent to the fact that the proposal encroaches above the maximum building height limits that apply to the site, and the implications that such encroachment will have on the heritage significance of this adjoining single street heritage item. This is a critical omission given the terms of Clause 4.3(1)(c).

The proposal will therefore not achieve objective (c) of Clause 4.3(1).

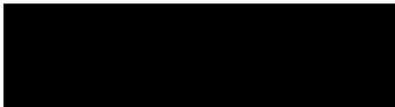
- The PDC Clause 4.6 Written Request also seeks to demonstrate that there are sufficient environmental planning grounds to justify the encroachment of the building height limit that applies to the site pursuant to Clause 4.6(3)(b). In doing so the PDC Clause 4.6 Written Request seeks to justify the building height encroachment having regard to the objects of the Environmental Planning & Assessment Act and the relevant aims of the LEP.

The PDC Clause 4.6 Written Request, however, relies on the proposal providing “additional housing” and being consistent with goals of urban consolidation and the Shoalhaven Housing Strategy. The proposal however involves a tourist resort providing short term tourist accommodation only and does not make any provision for dwellings for permanent accommodation. The proposal therefore fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the building height limit set by Clause 4.3 of the LEP.

It is our view that the PDC Clause 4.6 Written Request provides insufficient justification for what are substantial encroachments of the building height limits that apply to the site under Clause 4.3 of the LEP.

Given these circumstances it is our view that this development application should be refused by Council.

Yours faithfully



**Online Public Submission (Portal)**

Reference no. [REDACTED]

<i>Business/Community Group</i>	[REDACTED]
<i>First Name</i>	[REDACTED]
<i>Family Name</i>	[REDACTED]

<i>Email</i>	[REDACTED]
<i>Suburb/Town</i>	Huskisson
<i>I have made a reportable political donation</i>	No

*Submission*

Please find the [REDACTED] submission attached.



15 October 2025

Re: PP-2025-592

To Whom it May Concern

Amendment to Shoalhaven LEP 2014 – Height of Buildings Map (Bowen & Hawke Streets, Huskisson)

 opposes the proposed ad hoc increase in height to a small part of the R3 zone in Huskisson (and the Shoalhaven). The developer's justification is as follows:

- a. It will enable the site to be developed consistent with the vision for Huskisson described within the Shoalhaven Character Assessments 2020.
- b. It is not inconsistent with the Illawarra Shoalhaven Regional Plan 2041.
- c. It is entirely consistent with the Jervis Bay Settlement Strategy.
- d. It is entirely consistent with the Shoalhaven Growth Management Strategy (GMS)
- e. It is consistent with the Shoalhaven Destination Management Plan 2018-2033
- f. It is a large, generally constraint free site within walking distance to the Huskisson Village Centre.

Figure 1: Proposal justification

Our reasons for opposing the proposal are:

1. Contrary to the proposal point a. the proposal is not consistent with the vision for Huskisson described within the **Shoalhaven Character Assessments 2020**. This document emphasises vegetation dominance and low-rise profile of Huskisson. The village or coastal town wins hearts and attracts visitors because it has relatively low scale development. The 'landmark' which dominates, and should continue to dominate, is the Bay itself, and any town planner worth their salt would offer plans that ensured the natural features continues to dominate and not be overwhelmed by a building of any nature.
2. Nor is the proposal 'not inconsistent' with the Illawarra Shoalhaven Regional Plan (ISRP) 2041 – which is another way of saying it doesn't exactly match. And the proposal certainly doesn't match the ISRP.

The strategy relating to tourism envisions that creating a diverse visitor economy would focus on:





Figure 2: Excerpt from the Illawarra Shoalhaven Regional Plan, p. 36

There is nothing in the developer's proposal that reflects the strategies mapped out in the ISRP above.

Nor does the developer's proposal reflect the ISRP strategy: 'Embrace and respect the regions local character'. There is a lot more to character than height, but height in a coastal village is a significant component. What the proposal is suggesting is an ad hoc change to a small portion of the R3 zone, specifically for this developer's benefit. As such it undermines the regulatory nature of the LEP.

[REDACTED]

3. The developer argues that it is consistent with the Jervis Bay Settlement Strategy. This strategy was published in 2003, and has as its goal, as expressed in the Forward:

The Jervis Bay Region is an icon of the NSW South Coast. Its unparalleled natural and cultural values are precisely the reasons that make Jervis Bay an attractive place to visit and live, and which reinforce the need for coherent and sensible planning.

Like many coastal regions in NSW, Jervis Bay is facing settlement pressures. At the forefront of many people's concerns are the changing character of towns and villages, hazards such as bushfire and flooding, and the protection and management of the Region's water quality and unique biodiversity. Solutions to these and other issues must be found in collaboration with the communities of Jervis Bay and, clearly, we must all be mindful of managing changing settlement pressures carefully.

Figure 3: Excerpt from the Jervis Bay Settlement Strategy, p. iii

Two key aspects in the Jervis Bay Settlement Strategy to achieving this vision are Ecologically Sustainable Development and Community Consultation – neither of which has been attempted by the proponent, and so saying that it is consistent with the JB Settlement Strategy is misleading.

Specific mention of development in Huskisson is:

- v. Huskisson will be promoted as the gateway to the Jervis Bay Region by providing a range of integrated housing opportunities that caters for both tourist accommodation and permanent living.

Figure 4: Excerpt from the Jervis Bay Settlement Strategy, p. 73

Again, the proposal does not address Action v. at all. It is not proposing an integrated housing opportunity. It is proposing additional tourism accommodation – but this does not need to be at the cost of undermining existing planning regulations.

4. The developer argues that the proposal is entirely consistent with the Shoalhaven Growth Management Strategy. This document for the most part refers back to the Jervis Bay Settlement Strategy but does make the specific recommendations in Figure 5. Please note "development within settlement boundaries must be compatible with existing building forms". The proposal does not attempt to do this – rather it aspires to be a 'landmark building'. Whilst rebuilding the motel may enrich tourism potential, it does not need to do this by exceeding the height in the current LEP.



Settlement Type	Settlement Name	Attributes	Growth Considerations
Towns – Coastal Town	Shoalhaven Heads, Culburra Beach/Orient Point, Greenwell Point, Huskisson, Sussex Inlet	<ul style="list-style-type: none"> <li>• Mid sized urban settlements, distinctive boundaries for urban complexes</li> <li>• High median age</li> <li>• Medium vacant dwelling rate</li> <li>• Some commercial activity and some services via outreach/council provision</li> <li>• Tourist development potential via caravan parks, resort style developments and other tourist specific developments</li> </ul>	<ul style="list-style-type: none"> <li>• Development within settlement boundaries must be compatible with existing building forms and subdivision pattern</li> <li>• Outward expansion of settlements must protect and maintain landscape vistas for their visual and cultural heritage values</li> <li>• Minimise adverse impacts in terms of hazards and environmental values</li> <li>• Commercial development to enrich tourism potentials</li> </ul>

Figure 5: Excerpt from the Shoalhaven Growth Management Strategy, p. 81

5. While the proposal may meet the Shoalhaven Destination Management Plan by providing larger scale visitor accommodation – according to the Destination Management Plan it needs to do this in the context of the other planning documents. The proposal can achieve ‘enriched tourism potentials’ without exceeding the conditions / constraints of the existing planning documents.

6. The developer goes on to argue that the proposal is consistent with the R3 objectives, when in reality it addresses the last objective only and omits the condition for this objective:

“To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.”

By proposing to have a spot rezoning to a greater height than the rest of the R3 the development will indeed conflict with the residential environment – being higher than any other R3 dwelling which is an issue for overshadowing, character and precedence.

7. Additionally, the Aboriginal Cultural assessment report has omitted to explain that recent Ground Penetrating Radar (Hunter Geophysics report) identified the likelihood of many graves. And local families are confident that King Billy is buried in the church ground. It is clear that the site of Huskisson was a place where original Aboriginal residents, and colonists interacted, making it highly likely that even the land for the motel will hold evidence of contact.

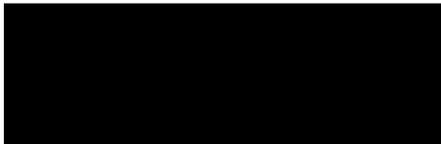
### Conclusion

Contrary to their justification, the proposal cherry picks aspects of strategic plans, omitting the conditions and constraints. It certainly is not compatible with existing building forms, nor has it attempted community consultation, nor is it designed to be an ecologically sustainable development.

Also of importance is that spot rezoning such as this undermine the existing LEP and other strategies, and will serve to advantage one developer only.

We urge that this Planning Proposal be rejected.

Warm regards



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## Submission on Planning Proposal PP079 / PP-2025-592 — 28 Bowen Street & 34–38 Hawke Street, Huskisson

**From:** [REDACTED]

**To:** The Chief Executive Officer, Shoalhaven City Council

**Date:** 11/10/2025

**Reference:** Amendment to Shoalhaven LEP 2014 — Height of Buildings Map (Bowen & Hawke Streets, Huskisson)

### 1. Purpose of submission

This submission opposes the proposed Local Environmental Plan (LEP) amendment to increase the building height control for the subject land from **7.5 m and 11 m to a uniform 12 m**, facilitating a large hotel and tourist resort.

While couched as a “minor alignment” to surrounding R3 zoning, this is in fact a **developer-led spot rezoning** following the rejection of a prior non-compliant development application (DA 23/1562). The proposal would re-write the rulebook to suit a private project, not community or strategic outcomes .

### Context and history

The proponent, *Jervis Bay Town Planning*, acting for the site’s private owners, frames the change as “strategically consistent” with regional and tourism plans. However:

- The **Shoalhaven Character Assessments 2020** emphasise maintaining the coastal scale, vegetation dominance and low-rise profile of Huskisson — none of which align with a 12 m structure on the foreshore fringe .
- The **Shoalhaven Growth Management Strategy** treats Huskisson as a “coastal town” requiring compatibility with existing forms and protection of visual and cultural heritage vistas — not high-rise hotel typologies.
- The **Jervis Bay Settlement Strategy** encourages infill and renewal *within* the town centre — this site is outside that core and visually adjoins White Sands Park and the foreshore.

In short, the proposal **cherry-picks strategic statements** about tourism to justify overdevelopment on a constrained coastal site.

### Legal and governance concern

From a governance and OLG/ICAC perspective, the proposal shows multiple red flags:

- **Rewarding non-compliance:** The developer’s previous DA exceeded height limits and was correctly refused under cl.4.6. Using an LEP amendment to override that decision undermines public confidence and sets precedent for “planning by exception.”
- **Spot rezoning for private gain:** The proposal benefits a single landholder, conflicting with **Ministerial Direction 1.4 (Site-Specific Provisions)**, which discourages unnecessary bespoke controls.
- **Probity and public trust:** ICAC investigations (e.g., Canterbury, Auburn) have identified *ad hoc planning amendments post-DA refusal* as a hallmark of compromised planning integrity.
- **Transparency:** Council must disclose any lobbying, meetings, or correspondence between councillors and proponents under s.10.4 of the EP&A Act.

#### 4. Strategic analysis

Despite the planning report’s claims, this amendment **does not have genuine strategic merit:**

- It is **not part of any adopted Council study** or precinct plan. The report itself concedes the proposal is “*not the result of any strategic study or report*”.
- The cited strategies (Regional Plan 2041, Destination Management Plan) address *regional tourism*, not local built-form controls.
- The **Shoalhaven Local Strategic Planning Statement (LSPS 2040)** prioritises protecting local character and amenity. A “landmark” hotel contradicts that vision.

#### 5. Environmental and community impacts

The developer’s submission downplays the potential visual and amenity impacts:

- **Visual dominance:** At 12 m, a 4-storey structure would exceed the local skyline and dominate the approach from White Sands Park.
- **Precedent:** It would invite similar up-zonings along Hawke Street, eroding the low-rise coastal identity of Huskisson.
- **Shadowing and outlook:** The attached “shadow diagrams” show material overshadowing of nearby dwellings and public space in winter months.
- **Traffic and infrastructure:** The claim that “no consultation deemed necessary due to the minor nature of the application” is indefensible — the cumulative traffic, servicing, and environmental load of a 90-room hotel is significant.

#### 6. Economic and planning risk

The developer claims this will “increase the supply of professionally operated tourist accommodation”. However, independent research consistently warns against over-reliance on **tourism-centric spot rezonings:**

- The **Productivity Commission (2020)** and **University of Technology Sydney (2023)** found that tourism-led rezoning often delivers speculative land uplift, not actual jobs or local benefit.
- Once land is up-zoned, **developers can sell the uplift** without delivering the promised hotel — a risk repeatedly documented in ICAC submissions on local government planning.

If this site fails or stalls post-approval, ratepayers will inherit the planning, infrastructure, and amenity costs without the forecast “tourism benefit.”

### Recommendations

1. **Reject** the proposed LEP amendment in its current form.
2. Require a **comprehensive independent character and urban design study** for the Huskisson foreshore prior to any further height changes.
3. Refer any lobbying or advocacy activity related to this proposal to the **Office of Local Government** and, if warranted, to **ICAC for probity review**.
4. Direct staff to reaffirm Council’s position that **spot rezonings must not be used to regularise refused DAs**.

### Conclusion

This proposal is developer-driven, strategically weak, and contrary to the principles of transparent and evidence-based planning.

Shoalhaven residents deserve confidence that the planning framework protects their coastal towns from incremental overdevelopment disguised as “tourism opportunity.”

Council should therefore **refuse or defer this amendment** pending independent review of the foreshore’s character, infrastructure capacity, and tourism economics.





Address all correspondence to: The Chief Executive Officer,  
PO Box 42, Nowra NSW 2541 Australia  
shoalhaven.nsw.gov.au/contact | 1300 293 111

shoalhaven.nsw.gov.au    

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Application number	DA2025/1209
Applicant	[REDACTED]
Description of development	Two storey attached dual occupancy with secondary dwellings
Property	25 Beach St Vincentia – Lot 262 DP 25099
Determination	Approval
Date of determination	[#Consent Start Date#]
Date from which the consent operates	[#Consent Start Date#]
Date on which the consent lapses	[#Consent End Date#]

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

[Redacted signature]

[Redacted name]

**Development Planner  
City Development**

**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.

<b>GENERAL CONDITIONS</b>																																																							
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<b>1.</b>	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left;">Approved Plans</th> </tr> <tr> <th style="text-align: center;">Plan Number</th> <th style="text-align: center;">Revision Number</th> <th style="text-align: center;">Plan Title</th> <th style="text-align: center;">Drawn by</th> <th style="text-align: center;">Date of Plan</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A100</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Cover</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A101</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Lower floor</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A102</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Upper floor</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A103</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Elevations</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A104</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Site &amp; Sections</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A105</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Landscape</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A106</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Roof &amp; Demolition</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> <tr> <td style="text-align: center;">A109</td> <td style="text-align: center;">G</td> <td style="text-align: center;">Shadow diagrams</td> <td style="text-align: center;">Reggie's Design P/L</td> <td style="text-align: center;">28/08/2025</td> </tr> </tbody> </table>				Approved Plans					Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	A100	G	Cover	Reggie's Design P/L	28/08/2025	A101	G	Lower floor	Reggie's Design P/L	28/08/2025	A102	G	Upper floor	Reggie's Design P/L	28/08/2025	A103	G	Elevations	Reggie's Design P/L	28/08/2025	A104	G	Site & Sections	Reggie's Design P/L	28/08/2025	A105	G	Landscape	Reggie's Design P/L	28/08/2025	A106	G	Roof & Demolition	Reggie's Design P/L	28/08/2025	A109	G	Shadow diagrams	Reggie's Design P/L	28/08/2025	<p>To ensure compliance with the approved plans and documents.</p>
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A110	G	Area calculations	Reggie's Design P/L	28/08/2025	
Approved Documents					
Document title	Version number	Prepared by	Date of document		
Basix Certificate	1776892M_02	Reggie's Design P/L	28/08/2025		
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.					
2.	<p><b>Existing Infrastructure</b></p> <p>Any required alterations or damage to infrastructure will be at the developer's expense.</p> <p><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></p>				To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.
3.	<p><b>Prescribed Conditions</b></p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>				To ensure compliance with prescribed conditions.
4.	<p><b>Shoalhaven Water – Compliance with Conditions</b></p> <p>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.</p>				To ensure compliance with Shoalhaven Water requirements.
5.	<p><b>Staging</b></p> <p>The subject development must be staged as follows:</p> <ul style="list-style-type: none"> <li>a) Construction of the two storey attached dual occupancy development.</li> <li>b) Torrens title subdivision of lot 262 DP 25099 into two lots under separate DA2025/1210.</li> <li>c) Construction of the attached secondary dwellings.</li> </ul>				To ensure compliance with the relevant Standard Instruments

Conditions relate to both Stages 1 and 3 unless specifically referenced.		
<p><b>DEMOLITION WORK</b> <b>Before Demolition Work Commences</b></p>		
CONDITIONS		REASON
6.	<p><b>Demolition - Asbestos Removal – Stage 1</b></p> <p>Asbestos removal must be carried out in accordance with AS2601-2 <a href="#">SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]</a> 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 10m<sup>2</sup> of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m<sup>2</sup>.</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"> <li>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.</li> <li>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.</li> <li>c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.</li> </ul>	<p>To ensure demolition works are carried out appropriately.</p>
7.	<p><b>Demolition - Decommissioning of Services – Stage 1</b></p> <p>Before demolition work commences:</p>	<p>To ensure services are</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>	<p>appropriately decommissioned and capped off where required.</p>
<p><b>8.</b></p>	<p><b>Erosion and Sediment Controls – Implementation – Stage 1</b></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>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>
<p><b>9.</b></p>	<p><b>Shoalhaven Water – Application for Certificate of Compliance – Stage 1</b></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 <a href="https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice">https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice</a> 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>	<p>To ensure a Water Development Notice and Certificate of Compliance are obtained.</p>

<b>10.</b>	<p><b>Waste Management Plan – Stage 1</b></p> <p>Before the commencement of any 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.
<p><b>DEMOLITION WORK</b></p> <p><b>During Demolition Work</b></p>		
CONDITIONS		REASON
<b>11.</b>	<p><b>Demolition - Completion of Works – Stage 1</b></p> <p>Demolition work, once commenced, must be completed within three (3) months.</p>	To ensure demolition works are completed within an acceptable timeframe.
<b>12.</b>	<p><b>Demolition – Standards – Stage 1</b></p> <p>Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice.</p>	To ensure demolition works are carried out appropriately.
<p><b>BUILDING WORK</b></p> <p><b>Before Issue of a Construction Certificate</b></p>		
CONDITIONS		REASON
<b>13.</b>	<p><b>Council Approvals - Evidence</b></p> <p>A Construction 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.</p>	To ensure all required approvals are obtained.
<b>14.</b>	<p><b>Timing of Works – Stage 3</b></p> <p>Prior to the issue of the Construction Certificate for the secondary dwellings, evidence must be provided to the satisfaction of the certifier that the subdivision approved as part of DA25/1210 has been registered with Land Registry Services.</p>	To ensure the lots are registered prior to the secondary dwellings being constructed

<p><b>15.</b></p>	<p><b>Restrictions – Easements and Restrictions on Use of Land – Stage 1</b></p> <p>Before issue of a Construction Certificate an Instrument must be prepared under section 88B of the Conveyancing Act 1919 which will provide for the following Restrictions on the land:</p> <ul style="list-style-type: none"> <li>a) A restriction that maintains the minimum required private open space for the development</li> <li>b) A restriction that maintains the minimum required landscaping areas on the property.</li> </ul> <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>Evidence must be provided to the certifier that the restrictions have been registered on title.</p>	<p>To ensure restrictions and easements are registered on the title of the land where required.</p>
<p><b>16.</b></p>	<p><b>Erosion and Sediment Controls - Erosion and Sediment Control Plan</b></p> <p>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 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"> <li>a) Site access location and stabilisation details and restrictions;</li> <li>b) Erosion control locations and types;</li> <li>c) Sediment control locations and types;</li> <li>d) Soil, water and drainage management plans;</li> <li>e) Site rehabilitation details;</li> <li>f) Inspection and maintenance details;</li> <li>g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned;</li> <li>h) Existing and final contours (clearly distinguished and adequately annotated);</li> <li>i) Standard construction drawings for proposed soil, water and drainage management measures.</li> </ul>	<p>To ensure an appropriate Erosion and Sediment Control Plan has been prepared.</p>

	<p>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> <p>All implemented measures must:</p> <p>a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</p> <p>b) be maintained at all times.</p> <p>c) not be decommissioned until at least 70% revegetation cover has been established.</p>									
<p><b>17. Exterior Materials</b></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>	<p>To ensure colours and materials are appropriate.</p>								
<p><b>18. Housing and Productivity Contribution</b></p>	<p>Before the issue of a Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1" data-bbox="411 999 1075 1292"> <thead> <tr> <th>Housing and productivity contribution</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>\$6,469.91</td> </tr> <tr> <td>Transport project component</td> <td>-</td> </tr> <tr> <td><b>Total housing and productivity contribution</b></td> <td><b>\$6,469.91</b></td> </tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$6,469.91	Transport project component	-	<b>Total housing and productivity contribution</b>	<b>\$6,469.91</b>	<p>To require contributions towards the provision of regional infrastructure</p>
Housing and productivity contribution	Amount									
Housing and productivity contribution (base component)	\$6,469.91									
Transport project component	-									
<b>Total housing and productivity contribution</b>	<b>\$6,469.91</b>									

Act 1979 to the development, or the HPC Order exempts the development from the contribution.

**19. Local Infrastructure Contribution**

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s):

Stage 1: Dual occupancy

Project	Description	Rate	Qty	Total	GST	GST Incl
03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	\$336.29	1.0 0	\$336.29	\$0.0 0	<b>\$336.29</b>
03AREC3003	Bay and Basin Leisure Centre	\$504.10	1.0 0	\$504.10	\$0.0 0	<b>\$504.10</b>
03CFAC0007	Bay & Basin Branch Library	\$668.76	1.0 0	\$668.76	\$0.0 0	<b>\$668.76</b>
03CFAC4001	Bay & Basin Community Hub	\$3,253.48	1.0 0	\$3,253.48	\$0.0 0	<b>\$3,253.48</b>
03ROAD4021	The Wool Road Bypass, St Georges Basin	\$211.36	1.0 0	\$211.36	\$0.0 0	<b>\$211.36</b>
CWAREC5005	Shoalhaven Community and Recreational Precinct SCarP Cambewarra Road Bomaderry	\$3,008.42	1.0 0	\$3,008.42	\$0.0 0	<b>\$3,008.42</b>
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$2,273.72	1.0 0	\$2,273.72	\$0.0 0	<b>\$2,273.72</b>
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,536.92	1.0 0	\$1,536.92	\$0.0 0	<b>\$1,536.92</b>
CWCFAC5007	Shoalhaven Regional Gallery	\$84.38	1.0 0	\$84.38	\$0.0 0	<b>\$84.38</b>
CWFIRE2001	Citywide Fire & Emergency services	\$165.78	1.0 0	\$165.78	\$0.0 0	<b>\$165.78</b>
CWFIRE2002	Shoalhaven Fire Control Centre	\$242.53	1.0 0	\$242.53	\$0.0 0	<b>\$242.53</b>
CWMGMT3001	Contributions Management & Administration	\$689.40	1.0 0	\$689.40	\$0.0 0	<b>\$689.40</b>
<b>Sub Total:</b>						<b>\$12,975.14</b>
<b>GST Total:</b>						<b>\$0.00</b>

To ensure applicable local infrastructure contributions are collected.

Estimate Total: **\$12,975.14**

Stage 2: Secondary dwellings

Project	Description	Rate	Qty	Total	GST	GST Incl
03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	\$336.29	0.80	\$269.03	\$0.00	<b>\$269.03</b>
03AREC3003	Bay and Basin Leisure Centre	\$504.10	0.80	\$403.28	\$0.00	<b>\$403.28</b>
03CFAC0007	Bay & Basin Branch Library	\$668.76	0.80	\$535.01	\$0.00	<b>\$535.01</b>
03CFAC4001	Bay & Basin Community Hub	\$3,253.48	0.80	\$2,602.78	\$0.00	<b>\$2,602.78</b>
03ROAD4021	The Wool Road Bypass, St Georges Basin	\$211.36	0.80	\$169.09	\$0.00	<b>\$169.09</b>
CWAREC5005	Shoalhaven Community and Recreational Precinct ScaRP Cambewarra Road Bomaderry	\$3,008.42	0.80	\$2,406.74	\$0.00	<b>\$2,406.74</b>
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$2,273.72	0.80	\$1,818.98	\$0.00	<b>\$1,818.98</b>
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,536.92	0.80	\$1,229.54	\$0.00	<b>\$1,229.54</b>
CWCFAC5007	Shoalhaven Regional Gallery	\$84.38	0.80	\$67.50	\$0.00	<b>\$67.50</b>
CWFIRE2001	Citywide Fire & Emergency services	\$165.78	0.80	\$132.62	\$0.00	<b>\$132.62</b>
CWFIRE2002	Shoalhaven Fire Control Centre	\$242.53	0.80	\$194.02	\$0.00	<b>\$194.02</b>
CWMGMT3001	Contributions Management & Administration	\$689.40	0.80	\$551.52	\$0.00	<b>\$551.52</b>

Sub Total: **\$10,380.11**

GST Total: **\$0.00**

Estimate Total: **\$10,380.11**

The total contribution, identified in the above table(s) or as indexed in future years, must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.

	<p>The Contributions Plan 2019 can be accessed on Councils website <a href="http://www.shoalhaven.nsw.gov.au">www.shoalhaven.nsw.gov.au</a> or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.</p> <p><i>Note: There are also provisions that may apply with respect to the timing of payments. See: Environmental Planning and Assessment (Local Infrastructure Contributions - Timing of Payments) Direction 2020 (nsw.gov.au)</i></p> <p>Email Council requesting an invoice be prepared and issued for payment via: <a href="mailto:council@shoalhaven.nsw.gov.au">council@shoalhaven.nsw.gov.au</a></p>	
<p><b>20.</b></p>	<p><b>Long Service Levy</b></p> <p>Before the issue of the relevant Construction Certificate / Subdivision Works Certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry <i>Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier.</p>	<p>To ensure compliance with long service levy requirements.</p>
<p><b>21.</b></p>	<p><b>Retaining Walls – Design Standards</b></p> <p>Before the issue of a Construction Certificate for approved retaining walls exceeding 600mm in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval.</p> <p>The retaining walls must satisfy the following:</p> <ul style="list-style-type: none"> <li>a) For retaining walls exceeding 600mm in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and</li> <li>b) For retaining walls less than 600mm in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.</li> <li>c) Retaining walls, footings and drainage must be contained wholly within the development site.</li> <li>d) Construction within a registered easement is prohibited.</li> </ul> <p>Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant</p>	<p>To ensure retaining walls are appropriately designed.</p>

	<p>criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or be approved by way of Complying Development before construction and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	
<p><b>22.</b></p>	<p><b>Section 68 Application – Water Supply, Sewerage and Stormwater Drainage</b></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>	<p>To ensure relevant approvals are obtained.</p>
<p><b>23.</b></p>	<p><b>Street Numbering</b></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> <p><u>Proposed Lot 1</u></p> <ul style="list-style-type: none"> <li>* Primary Dwelling – 25A Beach St Vincentia</li> <li>* Secondary Dwelling – 25B Beach St Vincentia</li> </ul> <p><u>Proposed Lot 2</u></p> <ul style="list-style-type: none"> <li>* Primary Dwelling – 25C Beach St Vincentia</li> <li>* Secondary Dwelling – 25D Beach St Vincentia</li> </ul> <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><b>24.</b></p>	<p><b>Stormwater – Internal Charged Lines Design Standards</b></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><b>25.</b></p>	<p><b>Stormwater - New Urban Buildings Design Standards</b></p> <p>Before the issue of a Construction Certificate stormwater plans must be prepared by a Licensed Plumber or 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"> <li>i) Generally in accordance with the approved plans</li> <li>ii) the National Construction Code</li> <li>iii) Council's <a href="#">Engineering Design Specifications</a></li> <li>iv) <a href="#">Development Control Plan G2</a></li> </ul>	
<b>26.</b>	<p><b>Stormwater – On-Site Detention Design Standards</b></p> <p>Before the issue of a Construction Certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by the Certifier.</p> <p>On-site detention must be provided as:</p> <ul style="list-style-type: none"> <li>a) 9000 litres of on-site detention for the development. <ul style="list-style-type: none"> <li>Each unit in the dual occupancy will be required to provide 3kL</li> <li>Each unit in the attached secondary dwelling will be required to provide 1.5kL</li> </ul> </li> <li>Or alternatively,</li> <li>b) Per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be 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.</li> </ul>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<b>27.</b>	<p><b>Stormwater - Rainwater Facility</b></p> <p>Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier.</p> <p>Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – Section 16.</p> <p>It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:</p>	<p>To ensure rainwater tanks are appropriately installed where required.</p>

	<ul style="list-style-type: none"> <li>a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter.</li> <li>b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab.</li> <li>c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output.</li> <li>d) Overflow from the tank must be directed into the approved storm water system.</li> <li>e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements.</li> <li>f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 Section 16.</li> <li>g) The charged line to the rainwater tank 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. This is to prevent the line becoming blocked.</li> <li>h) For partially buried or fully buried rainwater tanks the property owner is required to have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – Section 4.</li> </ul>	
<p><b>BUILDING WORK</b> <b>Before Building Work Commences</b></p>		
<p>CONDITIONS</p>		<p>REASON</p>
<p><b>28.</b></p>	<p><b>Appointment of Principal Certifier</b> Before building/subdivision work commences a Principal Certifier must be appointed.</p>	<p>To ensure a Principal Certifier is appointed where required.</p>

<p><b>29.</b></p>	<p><b>Construction Certificate</b> A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.</p>	<p>To ensure a appropriate building and Subdivision Certificates are obtained.</p>
<p><b>30.</b></p>	<p><b>Dilapidation Report (Minor)</b> 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 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.  <i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	<p>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>
<p><b>31.</b></p>	<p><b>Driveway – Design Standards (Urban)</b> Prior to the commencement of works within the road reserve, engineering design plans for works within the road reserve must be prepared by a suitably qualified person and approved by Council. The layback/footpath crossing design must comply with the following:  a) Council's Engineering Design Standard Drawings.</p>	<p>To ensure road and pavement infrastructure is appropriately designed.</p>

	<p>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 100mm depth.</p> <p>c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.</p>	
<p><b>32.</b></p>	<p><b>Erosion and Sediment Controls – Implementation</b></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>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>
<p><b>33.</b></p>	<p><b>Notice of Commencement</b></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 ‘<a href="#">Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority</a>’.</p>	<p>To ensure appropriate notice is given to Council.</p>
<p><b>34.</b></p>	<p><b>Shoalhaven Water – Application for Certificate of Compliance</b></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 <a href="https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice">https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice</a> 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</i></p>	<p>To ensure a Water Development Notice and Certificate of Compliance are obtained.</p>

	<p><i>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>	
<p><b>35. Toilet Facilities – Temporary</b></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> <ul style="list-style-type: none"> <li>a) be a standard flushing toilet connected to a public sewer, or</li> <li>b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</li> <li>c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</li> </ul>	<p>To ensure suitable toilet facilities are provided.</p>	
<p><b>36. Waste Management Plan</b></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>	<p>To ensure an appropriate waste management plan is provided.</p>	
<p><b>37. Works within the Road Reserve – Submissions to Council</b></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"> <li>a) Any civil works design required by this consent.</li> <li>b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.</li> <li>c) Name and contact information of the person responsible for all relevant works.</li> <li>d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.</li> <li>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.</li> </ul>	<p>To ensure relevant approvals are obtained.</p>	
<p><b>BUILDING WORK</b></p>		

During Building Work	
CONDITIONS	REASON
<p><b>38. Discovery of relics and Aboriginal objects</b></p> <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"> <li>a) the work in the area of the discovery must cease immediately.</li> <li>b) the following must be notified for a relic – the Heritage Council; or</li> <li>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.</li> </ul> <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> <li>a) for a relic – the Heritage Council; or 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.</li> </ul>	<p>To ensure the protection of objects of potential significance during works.</p>
<p><b>39. External Showers</b></p> <p>External showers must:</p> <ul style="list-style-type: none"> <li>a) discharge directly to natural ground or a hard surface draining to natural ground. The external shower must not include subsurface drainage connecting to the stormwater drainage system; or</li> <li>b) discharge to the sewer system through a disconnecter gully with a shower base that has a roof overhang which has an overhand 10% larger than the shower base. Any adjoining finished surface level must be 75mm below the shower base except if located in a paved area where the finished surface will be sloping away from the shower base in order to prevent ponding or ingress of water.</li> </ul>	<p>To ensure compliance with relevant plumbing controls.</p>
<p><b>40. Landscaping - Street Trees</b></p> <p>Street trees at the frontage of the property not approved for removal/relocation must be retained and protected during construction in accordance with the following requirements:</p>	<p>To ensure street trees are appropriately protected and/or replaced.</p>

	<ul style="list-style-type: none"> <li>a) Excavation inside the drip line of any street tree is not permitted.</li> <li>b) The developer will be responsible for all costs associated with any necessary tree protection works.</li> </ul>	
<b>41.</b>	<p><b>Site Management - Hours for Construction</b></p> <p>Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.</p>	To ensure site work occurs within appropriate construction hours.
<b>42.</b>	<p><b>Site Management - Maintenance of Site and Surrounds</b></p> <p>During works, the following maintenance requirements must be complied with:</p> <ul style="list-style-type: none"> <li>a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held.</li> <li>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.</li> <li>c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.</li> <li>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.</li> <li>e) During construction: <ul style="list-style-type: none"> <li>i) all vehicles entering or leaving the site must have their loads covered, and</li> <li>ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</li> </ul> </li> <li>f) At the completion of the works, the work site must be left clear of waste and debris.</li> </ul>	To ensure the site is maintained in a safe and secure manner.
<b>43.</b>	<p><b>Site Management - Noise</b></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 &amp; Climate Change Interim</p>	To protect the amenity of neighbouring properties.

	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.	
44.	<p><b>Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater</b></p> <p>All excavation, backfilling and landscaping works must not result in:</p> <p>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.</p> <p>b) the redirection and/or concentration of stormwater flows onto neighbouring properties.</p>	To ensure stormwater is appropriately managed.
45.	<p><b>Stormwater - Connections in Road Reserve</b></p> <p>Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.</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>	To ensure stormwater connections are appropriately installed.
46.	<p><b>Soil Management</b></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> <p>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</p> <p>b) All fill material imported to the site must be:</p> <p>i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or</p> <p>ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p>	To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site.

	<p>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>	
<b>47.</b>	<p><b>Surveys by a Registered Surveyor</b></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> <p>a) All footings / foundations in relation to the site boundaries and any registered and proposed easements</p> <p>b) At other stages of construction – any marks that are required by the principal certifier.</p>	<p>To ensure buildings are sited and positioned in the approved location.</p>
<p><b>BUILDING WORK</b> <b>Before Issue of an Occupation Certificate</b></p>		
<p>CONDITIONS</p>		<p>REASON</p>
<b>48.</b>	<p><b>Timing of Works – Stage 1</b></p> <p>An Occupation Certificate for the approved Dual Occupancy under Stage 1 must be issued prior to any Subdivision Certificate being released for Stage 2 as approved under DA25/1210.</p>	<p>To ensure the appropriate sequencing of the development</p>
<b>49.</b>	<p><b>BASIX Certificate – Evidence of Completion</b></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>	<p>To ensure compliance with the approved BASIX Certificate.</p>
<b>50.</b>	<p><b>Completion of Landscape and Tree Works</b></p> <p>Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p>	<p>To ensure the approved landscaping works have been completed.</p>

<p><b>51. Completion of Public Utility Services</b></p>	<p>Before the issue of the relevant Occupation Certificate / Subdivision 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>	<p>To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
<p><b>52. Colours and Materials</b></p>	<p>The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.</p>	<p>To ensure colours and materials are appropriate.</p>
<p><b>53. Dilapidation Report (Minor) – Evidence of Completion</b></p>	<p>Before the issue of an Occupation 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 existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.</p>	<p>To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.</p>
<p><b>54. Driveway – Evidence of completion</b></p>	<p>Before the issue of a full Occupation Certificate, all driveway works internal to the site as shown on the approved plans must be completed.</p> <p>Where a driveway is shared between two dwellings a dowelled expansion joint must be provided for the full length of the internal driveway (not within the road reserve) to demarcate between each side of the driveway.</p>	<p>To ensure the completion of the driveway in a timely manner.</p>
<p><b>55. Letter Boxes</b></p>	<p>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.</p> <p><i>Note: Where no roadside delivery service is provided by Australia Post these requirements may be varied subject to the approval of Council.</i></p>	<p>To ensure compliance with the requirements of Australia Post.</p>

<p><b>56. Plumbing - Yard Gully</b></p>	<p>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.</p>	<p>To ensure compliance with relevant plumbing controls.</p>
<p><b>57. Retaining Walls – Certification</b></p>	<p>Before the issue of a full Occupation Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height above ground level (existing) are constructed in accordance with the approved engineering design plans.</p> <p>The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.</p> <p><i>Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.</i></p>	<p>To ensure retaining walls have been constructed appropriately.</p>
<p><b>58. Section 68 Approvals – Evidence of Completion</b></p>	<p>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.</p>	<p>To ensure compliance with section 68 approval.</p>
<p><b>59. Shoalhaven Water – Certificate of Compliance</b></p>	<p>Before the issue of any Occupation 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.</p> <p>If the development is to be completed in approved stages, or application is subsequently made for staging of the</p>	<p>To ensure compliance with Shoalhaven Water requirements.</p>

	development, separate Compliance Certificates must be obtained for each stage of the development.	
<b>60.</b>	<p><b>Stormwater - Works as Executed</b></p> <p>Before the issue of an Occupation Certificate / 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>	To ensure works as executed plans are prepared and provided.
<b>61.</b>	<p><b>Works in the Road Reserve - Evidence of Completion</b></p> <p>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>.</p>	To ensure works in the road reserve are completed appropriately.
<p><b>BUILDING WORK</b> <b>Occupation and Ongoing use</b></p>		
<p>CONDITIONS</p> <p><b>62. Noise - Air-Conditioning Units</b></p> <p>Any air-conditioning unit must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act (POEO Act)</i>.</p> <p>Air-conditioning units not shown on the approved plan must comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>		<p>REASON</p> <p>To protect the amenity of neighbouring properties.</p>

<p><b>63.</b></p>	<p><b>Occupation – Satisfaction of Conditions of Consent</b></p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p> <p>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).</p>	<p>To ensure conditions of consent are complied with or other satisfactory arrangement made.</p>
<p><b>64.</b></p>	<p><b>Stormwater- Maintenance of Stormwater Infrastructure</b></p> <p>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.</p>	<p>To ensure stormwater infrastructure is maintained for the life of the development.</p>

### 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.



1 LOWER FLOOR PLAN  
1 : 100



FLOOR AREA - HOUSE 1	
NAME	AREA
LOWER LIVING - HOUSE 1	99.58 m <sup>2</sup>
UPPER LIVING - HOUSE 1	57.98 m <sup>2</sup>
BALCONY - HOUSE 1	33.57 m <sup>2</sup>
GARAGE - HOUSE 1	21.08 m <sup>2</sup>
ALFRESCO - HOUSE 1	18.41 m <sup>2</sup>
VERANDA - HOUSE 1	5.28 m <sup>2</sup>
TOTAL	236.87 m <sup>2</sup>

FLOOR AREA - HOUSE 2	
NAME	AREA
LOWER LIVING - HOUSE 2	99.58 m <sup>2</sup>
UPPER LIVING - HOUSE 2	57.98 m <sup>2</sup>
BALCONY - HOUSE 2	33.57 m <sup>2</sup>
GARAGE - HOUSE 2	21.08 m <sup>2</sup>
ALFRESCO - HOUSE 2	18.41 m <sup>2</sup>
VERANDA - HOUSE 2	5.28 m <sup>2</sup>
TOTAL	236.87 m <sup>2</sup>

FLOOR AREA - GRANNY FLAT 1	
NAME	AREA
LIVING - GRANNY FLAT 1	58.10 m <sup>2</sup>
VERANDA - GRANNY FLAT 1	7.14 m <sup>2</sup>
TOTAL	65.24 m <sup>2</sup>

FLOOR AREA - GRANNY FLAT 2	
NAME	AREA
LIVING - GRANNY FLAT 2	58.10 m <sup>2</sup>
VERANDA - GRANNY FLAT 2	7.14 m <sup>2</sup>
TOTAL	65.24 m <sup>2</sup>

FLOOR AREAS - GFA	
NAME	AREA
GFA - GRANNY FLAT 1	62.44 m <sup>2</sup>
GFA - GRANNY FLAT 2	62.44 m <sup>2</sup>
GFA - HOUSE 1	138.98 m <sup>2</sup>
GFA - HOUSE 2	138.98 m <sup>2</sup>
TOTAL	362.83 m <sup>2</sup>

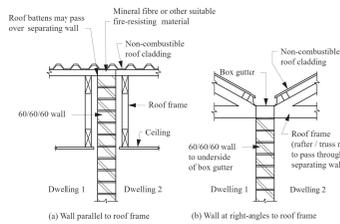
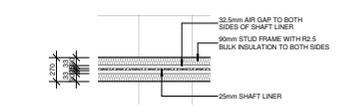
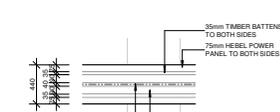


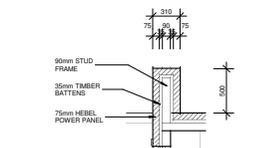
FIGURE 9.3.1b OF NCC 2022 - SEPARATING WALL CONSTRUCTION



3 FIRE SEPARATING WALL DETAIL  
1 : 25



2 WING WALL DETAIL 1  
1 : 25



4 WING WALL DETAIL 2  
1 : 25

10.1 EXTERNAL WALL CONSTRUCTION

- WHERE A FLUABLE BUILDING MEMBRANE IS INSTALLED IN AN EXTERNAL WALL, IT MUST—
  - COMPLY WITH AS 4002.2; AND
  - BE LOCATED ON THE EXTERIOR SIDE OF THE PRIMARY INSULATION LAYER OF WALL ASSEMBLIES THAT FORM THE EXTERNAL ENVELOPE OF A BUILDING.
- WHERE A FLUABLE BUILDING MEMBRANE, BARRING-TYPE MATERIAL OR INSULATION LAYER IS INSTALLED ON THE EXTERIOR SIDE OF THE PRIMARY INSULATION LAYER OF AN EXTERNAL WALL, IT MUST HAVE A VAPOUR PERMEANCE OF NOT LESS THAN—
  - IN CLIMATE ZONES 4 AND 5, 0.14 UG/S.M; AND
  - IN CLIMATE ZONES 6, 7 AND 8, 1.14 UG/S.M.
- EXCEPT FOR SINGLE SKIN MASONRY OR SINGLE SKIN CONCRETE, WHERE A FLUABLE BUILDING MEMBRANE IS NOT INSTALLED IN AN EXTERNAL WALL, THE PRIMARY WATER CONTROL LAYER MUST BE SEPARATED FROM WATER SENSITIVE MATERIALS BY A DRAINED CAVITY.

10.1.2 EXHAUST SYSTEMS

- AN EXHAUST SYSTEM INSTALLED IN A KITCHEN, BATHROOM, SANITARY COMPARTMENT OR LAUNDRY MUST HAVE A MINIMUM FLOW RATE OF—
  - 25 L/S FOR A BATHROOM OR SANITARY COMPARTMENT; AND
  - 40 L/S FOR A KITCHEN OR LAUNDRY.
- EXHAUST FROM A KITCHEN, STOVEY RANGE HOOD, BATHROOM, SANITARY COMPARTMENT OR LAUNDRY MUST DISCHARGE DIRECTLY OR VIA A SHAFT OR DUCT TO OUTDOOR AIR.
- WHERE A VENTING CLOTHES DRYER IS INSTALLED, IT MUST DISCHARGE DIRECTLY OR VIA A SHAFT OR DUCT TO OUTDOOR AIR.
- AN EXHAUST SYSTEM THAT IS NOT RUN CONTINUOUSLY AND IS SERVING A BATHROOM OR SANITARY COMPARTMENT THAT IS NOT VENTILATED IN ACCORDANCE WITH 10.6.2(A) MUST—
  - BE INTERLOCKED WITH THE ROOM LIGHT SWITCH; AND
  - INCLUDE A RUN-ON TIMER SO THAT THE EXHAUST SYSTEM CONTINUES TO OPERATE FOR 10 MINUTES AFTER THE LIGHT SWITCH IS TURNED OFF.
- EXCEPT FOR ROOMS THAT ARE VENTILATED IN ACCORDANCE WITH 10.5.2(A), A ROOM WITH AN EXHAUST SYSTEM IN ACCORDANCE WITH (1) MUST BE PROVIDED WITH MAKE-UP AIR—
  - IN ACCORDANCE WITH AS 1664, EXCEPT FOR ROOMS THAT ARE VENTILATED IN ACCORDANCE WITH 10.5.2(A), A ROOM WITH AN EXHAUST SYSTEM IN ACCORDANCE WITH (3) MUST BE PROVIDED WITH MAKE-UP AIR IN ACCORDANCE WITH AS 1664.2.

10.1.3 VENTILATION OF ROOF SPACES

- IN CLIMATE ZONES 6, 7 AND 8, A ROOF MUST HAVE A ROOF SPACE THAT—
  - IS LOCATED—
    - IMMEDIATELY ABOVE THE PRIMARY INSULATION LAYER; OR
    - IMMEDIATELY ABOVE BARRING WITH A VAPOUR PERMEANCE OF NOT LESS THAN 1.14 UG/S.M, WHICH IS IMMEDIATELY ABOVE THE PRIMARY INSULATION LAYER; OR
    - IMMEDIATELY ABOVE CEILING INSULATION THAT MEETS THE REQUIREMENTS OF 13.2.3(3).
  - HAS A HEIGHT OF NOT LESS THAN 20 MM; AND
  - IS EITHER—
    - VENTILATED TO OUTDOOR AIR THROUGH EVENLY DISTRIBUTED OPENINGS IN ACCORDANCE WITH TABLE 10.5.1; OR
    - LOCATED IMMEDIATELY UNDERNEATH THE ROOF TILES OF AN UNBARRIED TILED ROOF.
- THE REQUIREMENTS OF (1) DO NOT APPLY TO A—
  - CONCRETE ROOF; OR
  - ROOF THAT IS MADE OF STRUCTURAL INSULATED PANELS; OR
  - ROOF THAT IS SUBJECT TO BUSHFIRE ATTACK LEVEL F2 REQUIREMENTS IN ACCORDANCE WITH AS 3600.

10.1.4 SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH NCC 2022 PART 9.5. SMOKE ALARMS AND EVACUATION LIGHTING & AS3786:2014

General Notes:

- LEVELS SHOWN ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED ON SITE BEFORE WORK COMMENCES.
- POURED DIMENSIONS ARE TO BE USED IN PREFERENCE TO SCALING, IF UNSURE OR IF THE DIMENSION YOU ARE BEING CANNOT BE FOUND, PLEASE ASK.
- ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED AND ARE TO BE VERIFIED BEFORE WORK COMMENCES.
- PAINT, COOR & WINDOW SCHEDULES TO BE VERIFIED BY CLIENT AND BUILDER PRIOR TO ORDERING. IF WINDOWS NEED TO BE MODIFIED, PLEASE ADVISE ASAP AS THIS MAY IMPACT THE NATHERS RATING AND/OR BASK ASSESSMENT.
- HOMEQUARD TERNITE BARRIER TO BE USED UNLESS OTHERWISE STATED.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND ALL RELEVANT AUSTRALIAN STANDARDS.
- ALL PLANS ARE TO BE READ IN CONJUNCTION WITH THE RELEVANT NATHERS HOUSE ENERGY RATING AND/OR BASK ASSESSMENT.
- ALL PLANS ARE SUBJECT TO COPYRIGHT AND ARE NOT TO BE REPRODUCED IN PART OR WHOLE WITHOUT EXPRESS WRITTEN PERMISSION OF REGGIE'S DESIGN PTY LTD.

ISSUE	DESCRIPTION	DATE
A	Initial Concept Design	21/11/24
B	Revised facade, addition of balcony & minor internal changes	24/11/24
C	Working plan set	18/12/24
D	Colours confirmed and facade adjustments	29/01/25
E	Additional notes and dimensions following council RFI	6/02/25
F	Neighbouring house to the south (modified) including the solar panels and added to shadow diagrams. Landscape areas updated. POS areas & A/C units added. Calculation sheets for POS area and Landscape Area added.	22/07/25
G	Pools removed. Landscape Plan amended to suit pool removal and designer details added.	28/08/25

Client:  
**BEACH STREET PTY LTD**

Project:  
**PROPOSED DUAL OCCUPANCY & SECONDARY DWELLINGS**

Address:  
**25 BEACH STREET VINCENTIA NSW 2540**

Lot: 262 Sec: DP: 25099 Area: 768 m<sup>2</sup>

LGA:  
**SHOALHAVEN CITY COUNCIL**

Sheet No:  
**A101**

Sheet Name:  
**LOWER FLOOR PLAN & DETAILS**

Scale:  
**As indicated**

Drawn:  
**RH**

Issue:  
**G**

Job No:  
**243327**

Size:  
**A1**

Date:  
**19/11/2024**



RESIDENTIAL • COMMERCIAL • INDUSTRIAL  
PROUD DESIGNER OF AWARD WINNING HOMES

SHEDDYS VIC RAILSIDE AVENUE, BANGIO NSW 2575  
02 4958 5797 DESIGN@REGGIESDESIGN.COM.AU

1 UPPER FLOOR PLAN  
1 : 100



DOOR SCHEDULE										
Mark	Level	Room	Description	Frame Colour	Height	Width	Glazing	U-Value	SHGC	Comments
D01	Garage Floor Level	GARAGE	Panel LR Garage Door	Surfmat	2415	2560	N/A	N/A	N/A	Custom timber steel garage doors
D02	Lower Floor Level	STUDY	Glazed Sliding Entry Door	Surfmat	2400	920	4CH10A&L 3BCPCo	3.8	0.49	U-Value and SHGC to be in accordance with the NABERS Certificate
D03	Lower Floor Level	STUDY	Glazed Sliding Entry Door	Surfmat	2400	920	4CH10A&L 3BCPCo	3.8	0.49	U-Value and SHGC to be in accordance with the NABERS Certificate
D04	Garage Floor Level	GARAGE	Panel LR Garage Door	Surfmat	2415	2560	N/A	N/A	N/A	Custom timber steel garage doors
D05	Lower Floor Level	FAMILY	Aluminium Sliding Door - 4 Panel	Surfmat	2400	4810	4CH10A&L 3BCPCo	2.1	0.60	U-Value and SHGC to be in accordance with the NABERS Certificate
D06	Lower Floor Level	FAMILY	Aluminium Sliding Door - 4 Panel	Surfmat	2400	4810	4CH10A&L 3BCPCo	2.1	0.60	U-Value and SHGC to be in accordance with the NABERS Certificate
D07	Lower Floor Level	RITCHENLIVING	Aluminium Sliding Door - 4 Panel	Surfmat	2400	4330	4CH10A&L 3BCPCo	2.1	0.59	U-Value and SHGC to be in accordance with the NABERS Certificate
D08	Lower Floor Level	RITCHENLIVING	Aluminium Sliding Door - 4 Panel	Surfmat	2400	4330	4CH10A&L 3BCPCo	2.1	0.59	U-Value and SHGC to be in accordance with the NABERS Certificate
D09	Upper Floor Level	BED 2	Aluminium Sliding Door - 4 Panel	Surfmat	2400	3370	4CH10A&L 3BCPCo	2.1	0.60	U-Value and SHGC to be in accordance with the NABERS Certificate
D10	Upper Floor Level	BED 2	Aluminium Sliding Door - 4 Panel	Surfmat	2400	3370	4CH10A&L 3BCPCo	2.1	0.60	U-Value and SHGC to be in accordance with the NABERS Certificate
D11	Upper Floor Level	BED 1	Aluminium Sliding Door - 4 Panel	Surfmat	2400	3370	4CH10A&L 3BCPCo	2.1	0.60	U-Value and SHGC to be in accordance with the NABERS Certificate
D12	Upper Floor Level	BED 1	Aluminium Sliding Door - 4 Panel	Surfmat	2400	3370	4CH10A&L 3BCPCo	2.1	0.60	U-Value and SHGC to be in accordance with the NABERS Certificate

WINDOW SCHEDULE												
Mark	Level	Room	Manufacturer	Description	Frame Colour	Head Height	Height	Width	Glazing	U-Value	SHGC	Comments
W01	Lower Floor Level	STUDY	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	300	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W02	Lower Floor Level	STUDY	Recessway Pty Ltd	Esprit™ Altair™ Louvre Window - Single Bay	Surfmat	2400	2400	830	8Pa	4.6	0.54	U-Value and SHGC to be in accordance with NABERS Certificate
W03	Lower Floor Level	STUDY	Recessway Pty Ltd	Esprit™ Altair™ Louvre Window - Single Bay	Surfmat	2400	2400	830	8Pa	4.6	0.54	U-Value and SHGC to be in accordance with NABERS Certificate
W04	Lower Floor Level	STUDY	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	300	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W05	Lower Floor Level	BED 3	Slaggar	Aluminium Awing Window	Surfmat	2400	1540	1810	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W06	Lower Floor Level	MEALS	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	850	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W07	Lower Floor Level	MEALS	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	850	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W08	Lower Floor Level	MEALS	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	850	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W09	Lower Floor Level	MEALS	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	850	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W10	Lower Floor Level	BED 3	Slaggar	Aluminium Awing Window	Surfmat	2400	1540	1810	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W11	Lower Floor Level	RITCHENLIVING	Slaggar	Aluminium Awing Window	Surfmat	2400	1370	1970	4CH10A&L 3BCPCo	4.9	0.29	U-Value and SHGC to be in accordance with NABERS Certificate
W12	Lower Floor Level	BED 1	Slaggar	Aluminium Awing Window	Surfmat	2400	1540	1810	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W13	Lower Floor Level	ENS	Slaggar	Aluminium Awing Window	Surfmat	2400	1840	1810	4CH10A&L 3BCPCo	1.9	0.65	U-Value and SHGC to be in accordance with NABERS Certificate
W14	Lower Floor Level	ENS	Slaggar	Aluminium Awing Window	Surfmat	2400	1840	1810	4CH10A&L 3BCPCo	1.9	0.65	U-Value and SHGC to be in accordance with NABERS Certificate
W15	Lower Floor Level	BED 1	Slaggar	Aluminium Awing Window	Surfmat	2400	1540	1810	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W16	Lower Floor Level	RITCHENLIVING	Slaggar	Aluminium Awing Window	Surfmat	2400	1370	1970	4CH10A&L 3BCPCo	4.9	0.29	U-Value and SHGC to be in accordance with NABERS Certificate
W17	Upper Floor Level	HALL	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	850	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W18	Upper Floor Level	HALL	Slaggar	Aluminium Fixed Window	Surfmat	2400	2400	850	4CH10A&L 3BCPCo	1.9	0.64	U-Value and SHGC to be in accordance with NABERS Certificate
W19	Upper Floor Level	ENS	Slaggar	Aluminium Awing Window	Surfmat	2400	600	1570	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W20	Upper Floor Level	BED 1	Slaggar	Aluminium Awing Window	Surfmat	2400	1200	2600	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W21	Upper Floor Level	ENS	Slaggar	Aluminium Awing Window	Surfmat	2400	1200	730	4CH10A&L 3BCPCo	2.4	0.51	U-Value and SHGC to be in accordance with NABERS Certificate
W22	Upper Floor Level	ENS	Slaggar	Aluminium Awing Window	Surfmat	2400	1200	730	4CH12A&L 3BCPCo	3.6	0.54	U-Value and SHGC to be in accordance with NABERS Certificate
W23	Upper Floor Level	BED 1	Slaggar	Aluminium Awing Window	Surfmat	2400	1200	2600	4CH12A&L 3BCPCo	3.6	0.54	U-Value and SHGC to be in accordance with NABERS Certificate
W24	Upper Floor Level	ENS	Slaggar	Aluminium Awing Window	Surfmat	2400	600	1570	4CH12A&L 3BCPCo	3.6	0.54	U-Value and SHGC to be in accordance with NABERS Certificate

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 3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED AND ARE TO BE VERIFIED BEFORE WORK COMMENCES.  
 4. FINISH, COLOUR & WINDOW SCHEDULES TO BE VERIFIED BY CLIENT AND BUILDER PRIOR TO ORDERING. IF WINDOWS NEED TO BE MODIFIED, PLEASE ADVISE ASAP AS THIS MAY IMPACT THE NABERS RATING AND/OR ENERGY ASSESSMENT.  
 5. HOMEQUARED THERMATE BARRIER TO BE USED UNLESS OTHERWISE STATED.  
 6. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND ALL RELEVANT AUSTRALIAN STANDARDS.  
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G	Pools removed. Landscape Plan amended to suit pool removal and designer details added.	28/08/25

Client:  
**BEACH STREET PTY LTD**

Project:  
**PROPOSED DUAL OCCUPANCY & SECONDARY DWELLINGS**

Address:  
**25 BEACH STREET VINCENTIA NSW 2540**

Lot: 262 Sec: DP: 25099 Area: 768 m<sup>2</sup>

LGA:  
 SHOALHAVEN CITY COUNCIL

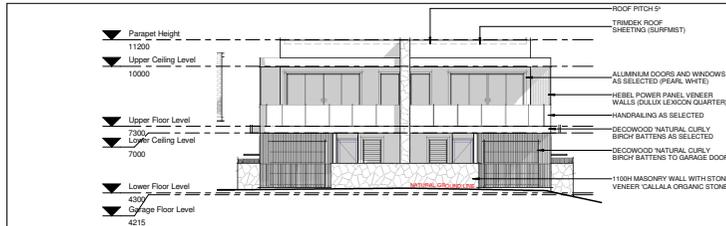
Sheet No:  
**A102**

Sheet Name:  
**UPPER FLOOR PLAN & SCHEDULES**

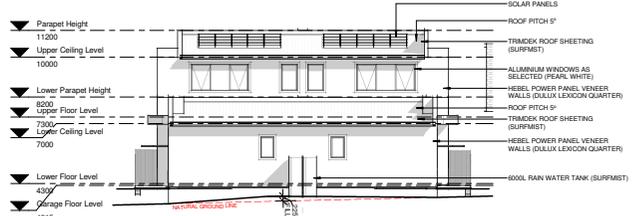
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Job No: 243327 Size: A1 Date: 19/11/2024

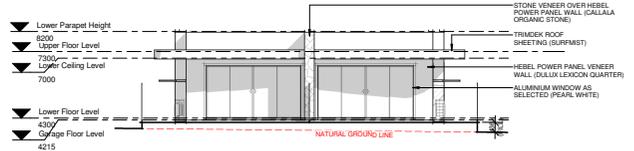




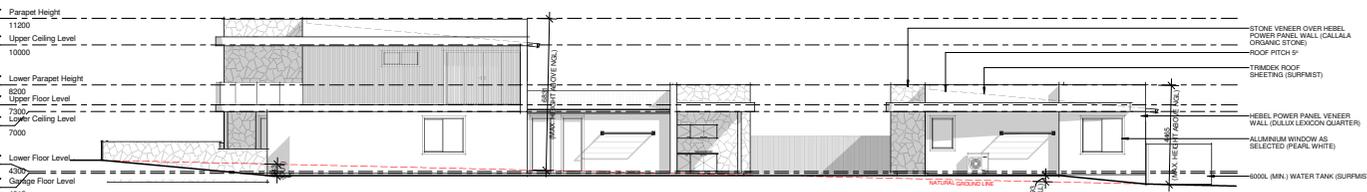
1 EAST ELEVATION  
1 : 100



2 WEST ELEVATION  
1 : 100

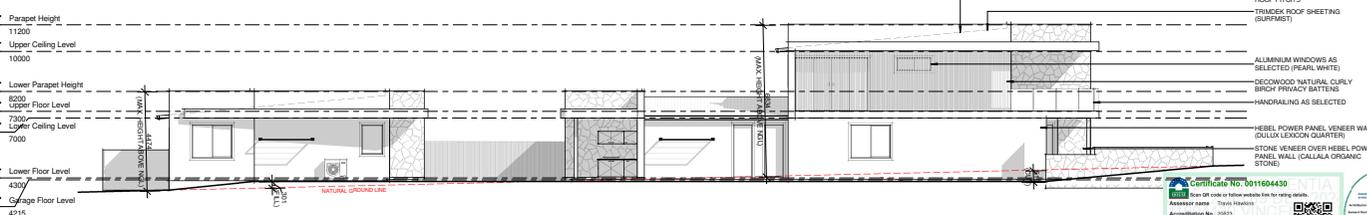


6 EAST ELEVATION (SEC. DWELLINGS)  
1 : 100



7 WEST ELEVATION (PRIMARY DWELLINGS)  
1 : 100

3 NORTH ELEVATION  
1 : 100



4 SOUTH ELEVATION  
1 : 100



5 FRONT VERANDA

CLOUR CHART

ALL COLOURS SHOWN ARE TO BE VERIFIED BY BUILDER PRIOR TO ORDERING OF MATERIALS AND WORK COMMENCING. SOME MATERIALS MAY NEED TO BE SUBSTITUTED FOR SIMILAR FINISHES DEPENDING UPON STOCK AVAILABILITY.

General Notes:  
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 5. HOMEQUARD TERMITE BARRIER TO BE USED UNLESS OTHERWISE STATED.  
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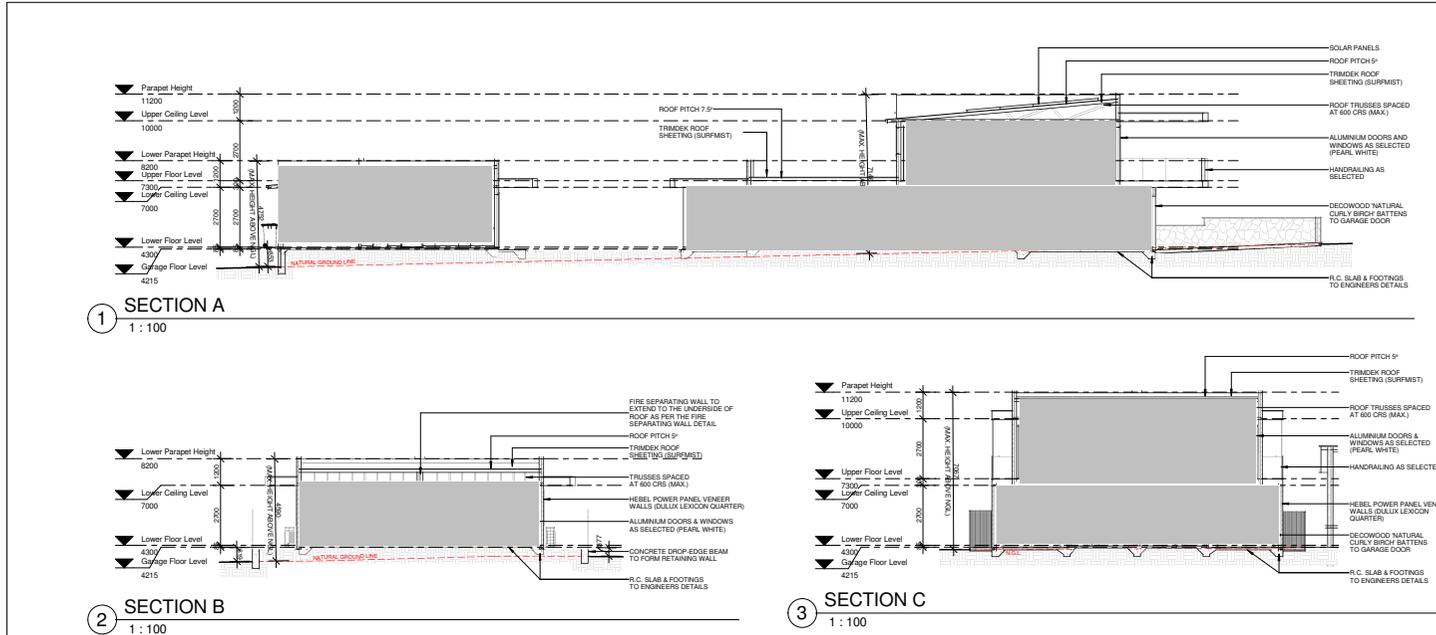
Client: BEACH STREET PTY LTD

Project: PROPOSED DUAL OCCUPANCY & SECONDARY DWELLINGS

Address: 25 BEACH STREET VINCENTIA NSW 2540  
 Lot: 262 Sec: DP: 25099 Area: 768 m<sup>2</sup>  
 LGA: SHOALHAVEN CITY COUNCIL

Sheet No: A103  
 Sheet Name: ELEVATIONS

Scale: 1 : 100 Drawn: RH Issued: G  
 Job No: 243327 Size: A1 Date: 19/11/2024

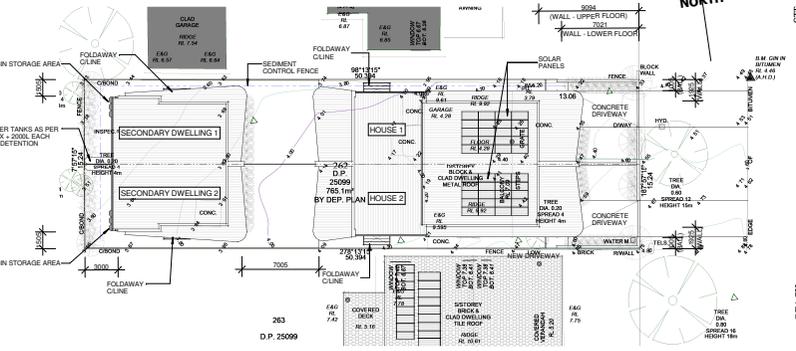


1 SECTION A  
1 : 100

2 SECTION B  
1 : 100

3 SECTION C  
1 : 100

LANDSCAPING AREA		
NAME	AREA	PERCENTAGE
DEEP SOIL LANDSCAPING	118.68 m <sup>2</sup>	15.00%
HOUSE FOOTPRINT	419.14 m <sup>2</sup>	54.58%
IMPERMEABLE LANDSCAPING	102.88 m <sup>2</sup>	14.17%
PERMEABLE LANDSCAPING	124.17 m <sup>2</sup>	16.17%
TOTAL	768.00 m <sup>2</sup>	100.00%



4 SITE PLAN  
1 : 200



**SITE PLAN NOTES:**  
 1. APPROVED SEDIMENT CONTROL MEASURES TO BE IMPLEMENTED ON SITE BEFORE CONSTRUCTION COMMENCES  
 2. SEDIMENT CONTROL MEASURES ARE TO BE MAINTAINED DURING CONSTRUCTION AND RE-TRIED UNTIL CONSTRUCTION IS COMPLETE  
 3. LOCATION OF WATER TANKS ARE APPROXIMATE ONLY AND IS TO BE VERIFIED ON SITE  
 4. ALL SETBACKS AND BOUNDARIES TO BE CONFIRMED BY A SURVEYOR BEFORE CONSTRUCTION COMMENCES  
 5. ALL RETAINING WALLS MUST BE WHOLLY WITHIN THE PROPERTY BOUNDARY

**General Notes:**

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- HOME GUARD TERRACE BARRIER TO BE USED UNLESS OTHERWISE STATED.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND ALL RELEVANT AUSTRALIAN STANDARDS.
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**BEACH STREET PTY LTD**

Project:  
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Address:  
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Lot: 262 Sec: DP: 25099 Area: 768 m<sup>2</sup>

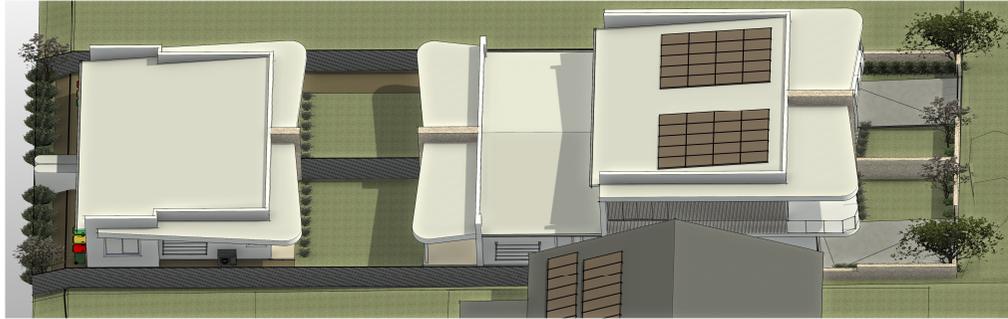
LGA:  
SHOALHAVEN CITY COUNCIL

Sheet No:  
**A104**

Sheet Name:  
**SITE PLAN & SECTIONS**

Scale: <b>As indicated</b>	Drawn: <b>RH</b>	Issue: <b>G</b>
Job No: <b>243327</b>	Size: <b>A1</b>	Date: <b>19/11/2024</b>





3 3D VIEW - AERIAL

**LANDSCAPE PLAN NOTE:**

**GARDEN BEDS:**  
GARDEN BEDS SHALL BE EXCAVATED SUFFICIENTLY ENOUGH TO ALLOW FOR NO LESS THAN 300mm DEPTH OF PREMIUM ORGANIC GARDEN SOIL MIX TO BE APPLIED PRIOR TO THIS. THE CLAY SUB-BASE SHALL HAVE AN APPLICATION OF GYPSIUM TO THE MANUFACTURERS SPECIFICATIONS.

**GARDEN EDGES:**  
GARDEN AND PATH EDGES TO BE ELECTRO-GALVANISED MILD STEEL PLATES.  
EDGE ALL PLANTS ARE NOT ROOTBOUND WITHIN THE POT OR BAY, BADLY STAKED OR ARE BROKEN IN THE GROWING TRIP. (I.E. THEY SHOULD BE REJECTED AND NEW STOCK SOURCED).  
DO NOT DISTURB ROOTS AND PLANT ALL PLANTS AS PER DETAILS.  
WATER PLANTS THOROUGHLY PRIOR PLANTING AND ENSURE PLANTS ARE WATERED DAILY IF NOT PLANTED IMMEDIATELY AFTER DELIVERY.  
THE PLANT SHOULD BE STAKED AND FERTILISED AS DETAILED.

**SETTLERS:**  
ALL ADVANCED TREES (i.e. 300mm POTS AND GREATER), SHALL BE FERTILISED BY MEANS OF ADDING 200g OF SLOW RELEASE FERTILISER IN THE BACKFILL ALONG WITH SEVERAL HANDBLES OF DYNAMIC LIFER. ALL OTHER SHRUBS SHALL BE FERTILISED BY THE SAME METHOD USING HALF THE AMOUNTS STIPULATED ABOVE.

**MULCH:**  
MULCH SHALL BE INSTALLED TO ALL GARDEN BED AREAS DETAIL TO A DEPTH OF AT LEAST 100mm.  
ALL AREAS TO BE TURFED ARE TO BE PREPARED WITH AT LEAST 200mm OF TURF UNDERLAY TO PROVIDE A LEVEL, SMOOTH, EASY TO PENETRATE BED.  
THE TURF SHALL BE ROLLED AFTER LAYING. THEN WATERED THOROUGHLY DAILY UNTIL EXTENSIVE ROOT GROWTH IS ESTABLISHED.  
MOWING SHALL COMMENCE BETWEEN 2 TO 4 WEEKS AFTER ROOT GROWTH.

**MAINTENANCE:**  
THE COMPLETE MAINTENANCE OF THE GARDENS AND TURF SHOULD PROCEED FOR A PERIOD OF 3 MONTHS UP UNTIL THE CLIENT'S TAKE FINAL POSSESSION.  
MAINTENANCE SHALL INCLUDE ALL WATERING, FERTILISING, PRUNING, STAKING AND MOWING. WATERING SHOULD OCCUR DAILY FOR A ONE WEEK PERIOD AFTER COMPLETION AND THEN ONCE WEEKLY THEREAFTER.  
EXTREME WEATHER MAY REQUIRE THIS TO BE INCREASED OR DECREASED AS NECESSARY.  
WATERING PLANTS ARE INSPIRED IN COLLECTING WATER TO CAPTURE IN PLANT POT OVERFLOWERS.  
GROWTH.

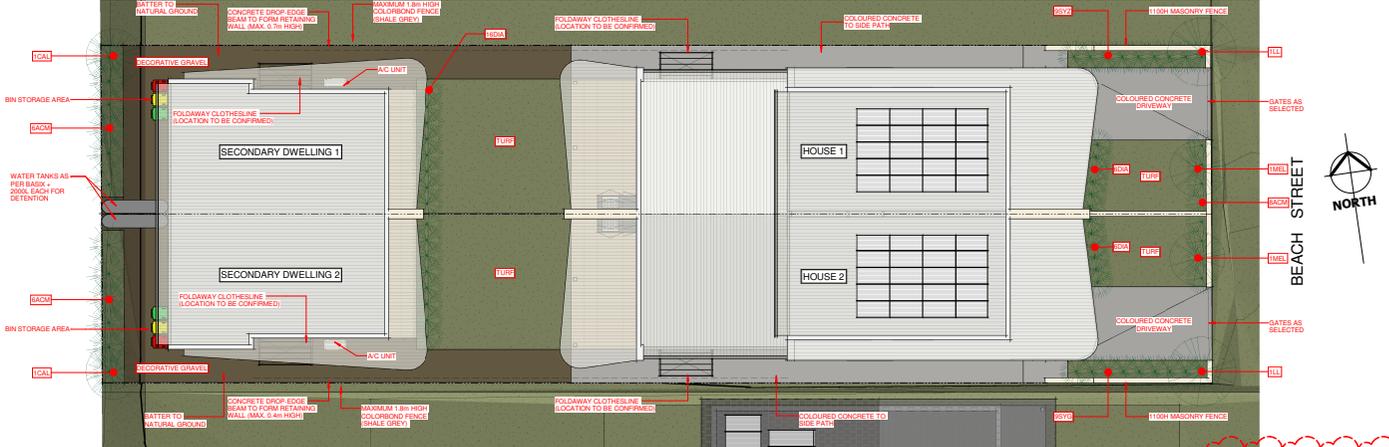
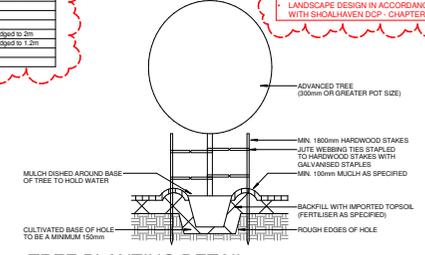
**IRRIGATION:**  
AUTOMATIC WATERING SYSTEMS TO BE INSTALLED TO WATER ALL KEEP SCAPED AREAS.

**PLANTING SCHEDULE**

Symbol	Species	Common Name	Pot Size	Quantity	Mature Height	Mature Width	Indigenous	Water Rating	Comments
M1	Malesiaea Bracteata	Cookson Honeyeater	45L TR	2	8.0 m	3.0 m	Yes	Low	
L1	Leptospermum Laevigatum	Coastal Tea Tree	45L TR	2	8.0 m	2.0 m	Yes	Low	
CA	Callistemon Citrinus	Harrises Mahoe	25L TR	2	8.0 m	1.5 m	Yes	Low	
ACM	Syzygium Auisse Compact	Lilly Lilly	200mm	20	2.0 m	1.0 m	Yes	Low	Hedged to 2m
BVZ	Syzygium Australia	Brush Cherry	200mm	18	1.2 m	1.0 m	Yes	Low	Hedged to 1.2m
DB	Daniella Revoluta	Blueberry Lily	200mm	30	1.9 m	0.8 m	Yes	Low	
TURF	Sir Walter Buffalo			30	0.1 m		No	Medium	



ALL PLANTS WERE SELECTED FROM THE SHOALHAVEN TREE SPECIES LIST VINCENTIA. LANDSCAPE DESIGN IN ACCORDANCE WITH SHOALHAVEN DCP - CHAPTER 3



**LANDSCAPING AREA**

NAME	AREA	PERCENTAGE
DEEP SOIL LANDSCAPING	115.86 m <sup>2</sup>	12.5%
HOUSE FOOTPRINT	419.14 m <sup>2</sup>	54.58%
IMPERMEABLE LANDSCAPING	198.89 m <sup>2</sup>	14.17%
PERMEABLE LANDSCAPING	125.17 m <sup>2</sup>	16.17%
TOTAL	768.00 m <sup>2</sup>	100.00%

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G	Pools removed. Landscape Plan amended to suit pool removal and designer details added.	28/08/25

Landscape Designer: SEAN SHAKESHAF  
**LAVERNER LANDSCAPES**  
 M: 0412 208 107  
 C: 0268 842 410  
 E: seans@laverner.com.au  
 Licence No: 148455C

Client: BEACH STREET PTY LTD

Project: PROPOSED DUAL OCCUPANCY & SECONDARY DWELLINGS

Address: 25 BEACH STREET VINCENTIA NSW 2540

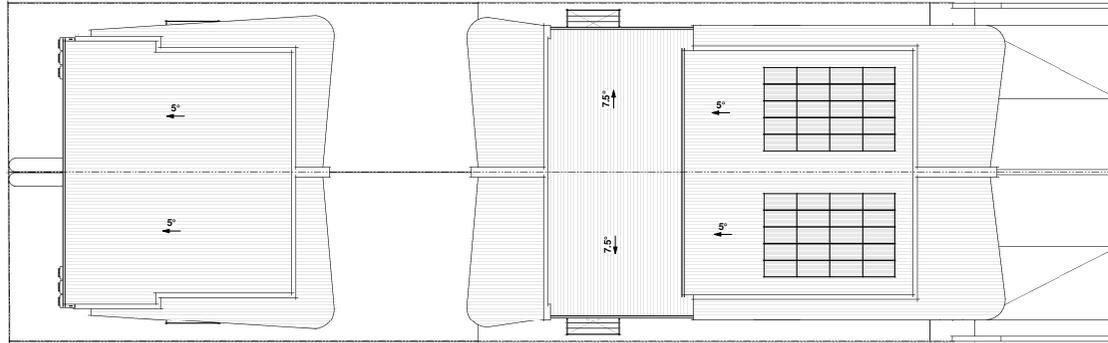
Lot: 262 Sec: DP: 25099 Area: 768 m<sup>2</sup>

LGA: SHOALHAVEN CITY COUNCIL

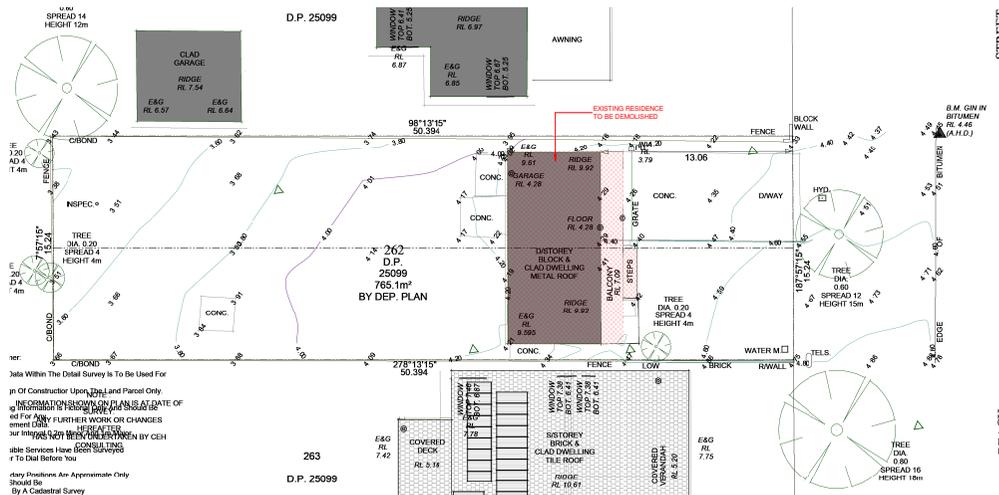
Sheet No: A105  
Sheet Name: LANDSCAPE PLAN

Scale: As indicated Draw: RH Issue: G  
Job No: 243327 Size: A1 Date: 19/11/2024

**REGGIE'S DESIGN PTY LTD**  
 RESIDENTIAL • COMMERCIAL • INDUSTRIAL  
 PHOTD DESIGNER OF AWARD WINNING HOMES  
 SHOP 1/66 RAILSIDE AVENUE, BATEFORD NSW 2519  
 02 4658 5797 DESIGN@REGGIESDESIGN.COM.AU

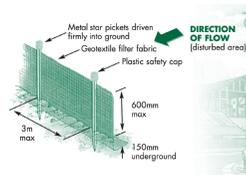


2 ROOF PLAN  
1 : 100



1 DEMOLITION PLAN  
1 : 150

**DEMOLITION PLAN NOTE**  
APPROVED EROSION CONTROL MEASURES TO BE IMPLEMENTED ON SITE BEFORE CONSTRUCTION COMMENCES + EROSION CONTROL MEASURES ARE TO BE MAINTAINED DURING DEMOLITION AND RETAINED UNTIL DEMOLITION IS COMPLETE



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Lot: 262 Sec: DP: 25099 Area: 768 m<sup>2</sup>

LGA:  
SHOALHAVEN CITY COUNCIL

Sheet No:  
A106

Sheet Name:  
DEMOLITION & ROOF PLAN

Scale: As indicated Drawn: RH Issue: G  
Job No: 243327 Size: A1 Date: 19/11/2024

**REGGIE'S DESIGN PTY LTD**  
RESIDENTIAL • COMMERCIAL • INDUSTRIAL  
PROUD DESIGNER OF AWARD WINNING HOMES  
SHOP 1/66 RAILSIDE AVENUE BANGGO NSW 2575  
02 4685 5747 DESIGN@REGGIESDESIGN.COM.AU







**1. FALLS, SLIPS & TRIPS**

**WORKING AT HEIGHTS**  
 Wherever possible, components for this building should be prefabricated off site or at ground level to minimize the risk of workers falling more than two meters. However, construction of this building will require workers to be working at heights where a fall in excess of two meters is possible and injury is likely to result from such a fall.  
 The builder should provide a suitable barrier whenever a person is required to work in a situation where falling more than two meters is a possibility.

**WORKING ON OR MAINTENANCE**  
 For houses or other one-store buildings where scaffolding is appropriate:  
 Clearing and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two meters is possible. Where this type of activity is required, scaffolding, ladders or trussels should be used in accordance with relevant codes of practice, regulations or legislation.  
 For buildings where scaffolds, ladders, trussels are not appropriate:  
 Clearing and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two meters is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

**2. SLIPPERY OR UNEVEN SURFACES**  
**FLOOR FINISHES** - Specified  
 If finishes have been specified by designer, these have been selected to minimize the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/boots. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.  
**FLOOR FINISHES** - By Owner  
 If finishes have been specified in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of the building. Surfaces should be selected in accordance with AS HB 107-1999 and AS/NZ 4596:2004.

**3. TRIP, LOOSE OBJECTS AND UNEVEN SURFACES**  
 Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways in particular areas to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material stay objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways.  
 Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

**4. FALLING OBJECTS**  
**LOOSE MATERIALS OR SMALL OBJECTS**  
 Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.  
 1. Prevent or restrict access to areas below where the work is being carried out.  
 2. Provide toe boards to stability of work platforms.  
 3. Provide Protective structure below the work area.  
 4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

**BUILDING COMPONENTS**  
 During construction, renovation or demolition of the building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.  
 Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

**5. TRAFFIC MANAGEMENT**  
 For building on a major road, narrow road or steeply sloping road:  
 Parking of vehicles or loading/unloading of vehicles on the roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.  
 For building where on-site loading/unloading is restricted:  
 Construction of the building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.  
 For all building:  
 Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted to the work site.

**6. SERVICES**  
**GENERAL**  
 Repair of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using appropriate service such as Dial Before You Dig; appropriate excavation practice should be used and, where necessary, specialist contractors should be used.  
 Locations with underground power:  
 Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.  
 Locations with overhead power lines:  
 Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

**7. MANUAL TASKS**  
 Components within the design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass.  
 If manual handling, loading and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimizes bending below lifting. Aids should be provided on site where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturers specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

**8. HAZARDOUS SUBSTANCE**  
**ASBESTOS**  
 For alterations to a building constructed prior to 1990:  
 If this existing building was constructed prior to:  
 1990 - it may contain asbestos.  
 1986 - it may contain asbestos.  
 1986 - it may be most likely to contain asbestos.  
 Either in ceiling material or in the relevant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolition, cutting, sanding, drilling or otherwise disturbing the existing structure.

**POWDERED MATERIALS**  
 Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation, cutting or otherwise disturbing or creating powdered material.  
**TREATED TIMBER**  
 The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.  
**VOLATILE ORGANIC COMPOUNDS**  
 Many types of glue, solvents, spray paints, primers and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturers recommendations for use must be carefully considered at all times.  
**SYNTHETIC MINERAL FIBRE**  
 Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.  
**TIMBER FLOORING**  
 The building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective equipment may also be required. The manufacturers recommendations for use must be carefully considered at all times.

**9. CONFINED SPACES**  
**EXCAVATION**  
 Construction of this building and some maintenance on the building will require excavation and installation of items within excavation. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.  
**ENCLOSED SPACES**  
 For buildings with enclosed spaces where maintenance or other access may be required:  
 Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.  
**SMALL SPACES**  
 For buildings with small spaces where maintenance or other access may be required:  
 Some small spaces within this building will require access to construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

**10. PUBLIC ACCESS**  
 Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

**11. OPERATIONAL USE OF BUILDING**  
**RESIDENTIAL BUILDINGS**  
 The building has been designed as a residential building. If, at a later date, is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

**12. OTHER HIGH RISK ACTIVITY**  
**AT DESIGNER HIGH RISK OFFICE**  
 In accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirement.  
 All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace.  
 All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work.  
 Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete Placement. All the above applies.

General Notes:  
 1. LEVELS SHOWN ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED ON SITE BEFORE WORK COMMENCES.  
 2. FINISHED DIMENSIONS ARE TO BE USED IN PREFERENCE TO SIZING. IF UNSURE OF THE DIMENSION YOU ARE SEEKING CANNOT BE FOUND, PLEASE ASK.  
 3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED AND ARE TO BE VERIFIED BEFORE WORK COMMENCES.  
 4. FINAL SCORES WHICH SCHEDULES TO BE VERIFIED BY CLIENT AND BUILDER PRIOR TO ORDERING. IF WINDOWS NEED TO BE MODIFIED PLEASE ADVISE ASAP AS THIS MAY IMPACT THE NATHERS RATING AND/OR BASIX ASSESSMENT.  
 5. HOMEGLASS TENSILE BARRIER TO BE USED UNLESS OTHERWISE STATED.  
 6. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND ALL RELEVANT AUSTRALIAN STANDARDS.  
 7. ALL PLANS ARE TO BE READ IN CONJUNCTION WITH THE RELEVANT NATHERS HOME ENERGY RATING AND/OR BASIX ASSESSMENT.  
 8. ALL PLANS ARE SUBJECT TO COPYRIGHT AND ARE NOT BE REPRODUCED IN PART OR WHOLE WITHOUT EXPRESS WRITTEN PERMISSION OF REGGIE'S DESIGN PTY LTD.

ISSUE	DESCRIPTION	DATE
G	Pools removed. Landscape Plan amended to suit pool removal and designer details added.	28/08/25

Client:  
**BEACH STREET PTY LTD**

Project:  
**PROPOSED DUAL OCCUPANCY & SECONDARY DWELLINGS**

Address:  
**25 BEACH STREET VINCENTIA NSW 2540**

Lot:  
 262    Sec: -    DP: 25099    Area: 768 m<sup>2</sup>

LGA:  
**SHOALHAVEN CITY COUNCIL**

Sheet No:  
**A111**

Sheet Name:  
**BUILDING DESIGN SAFETY NOTES**

Scale:  
 1 : 100    Drawn: RH    Issue: G

Job No:  
 243327    Size: A2    Date: 19/11/2024



**REGGIE'S DESIGN PTY LTD**  
 RESIDENTIAL • COMMERCIAL • INDUSTRIAL  
 PROUD DESIGNER OF AWARD WINNING HOMES  
 SHOP 1105 PARALLEL AVENUE BIRROON NSW 2570  
 02 4666 2707 DESIGN@REGGIESDESIGN.COM.AU

28/08/2025 5:16:26 PM

**1 BUILDING DESIGN SAFETY NOTES**  
 1 : 100

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		<b>Section 4.15 Assessment Report</b> <i>Environmental Planning &amp; Assessment Act 1979</i>	
<p><b><u>Conflict of interest declaration</u></b></p> <p>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.</p> <p><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></p>			
Assessing Officer		17/06/2025	
Peer Review Officer		15/10/2025	
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	<i>Councillor</i>	<i>Date</i>	<i>TRIM Reference</i>
	Nil		
Delegation Level Required	Assessing Officer		
Report Recommendation	Approval		
Development Description	Demolition of Existing Dwelling, Dual Occupancy (Attached) with Secondary Dwelling and Associated Site and Civil Works		
Variations Proposed	<input checked="" type="checkbox"/> DCP departure (Ch. G13 – A17.3 – Private Open Space)		
	<input checked="" type="checkbox"/> Clause 4.6 exception (Cl. 53(2) of Housing SEPP)		
DA Number	DA2025/1209		
PAN	PAN-510744		
Property Address	25 Beach Street VINCENTIA NSW 2540 - Lot 262 DP 25099		
Applicant(s)			
Owner(s)			
Owner's consent provided?	Yes		
Is the proposal a Crown development application under	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 <a href="#">EP&amp;A Regulations 2021</a> e.g. NSW Land &amp; Housing Corporation, Landcom etc.</i>		

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<a href="#">Division 4.6</a> of the EP&A Act 1979?	<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	6 March 2025
Date of site inspection	12/03/2025
Date clock stopped	18/03/2025
Date clock started	1/07/2025
Related Application in NSW Planning Portal?	<input type="checkbox"/> Concurrence and/or external agency referral (CNR) – Nil <input checked="" type="checkbox"/> HPC Contributions (CON) – CON-41847 <input type="checkbox"/> Planning Panel (PPSSTH) – N/A <input type="checkbox"/> Section 68 (S68) – Nil
Number of submissions	1 <i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>

### 1. Detailed Proposal

The proposal includes the carrying out of the following:

- Demolition of the existing dwelling
- Construction of an attached dual occupancy development, each dwelling with detached secondary dwellings.
- Associated civil works including the carrying out of earthworks, construction of driveways and installation of stormwater drainage infrastructure.

Note: Plunge pools were originally proposed for each dual occupancy dwelling, however they have both been deleted from the application to ensure compliant private open space and landscaping is provided in accordance with the DCP requirements.

It is also noted that the applicant has proposed to stage the development in the following format:

- Stage 1 – Demolition and construction of Dual Occupancy development.
- Stage 2 – Torrens Title subdivision of the approved Dual Occupancy development (via separate DA25/1210).
- Stage 3 – Construction of Secondary Dwellings

The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
A100	G	Cover	Reggie's Design P/L	28/08/2025
A101	G	Lower floor	Reggie's Design P/L	28/08/2025
A102	G	Upper floor	Reggie's Design P/L	28/08/2025

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A103	G	Elevations	Reggie's Design P/L	28/08/2025
A104	G	Site & Sections	Reggie's Design P/L	28/08/2025
A105	G	Landscape	Reggie's Design P/L	28/08/2025
A106	G	Roof & Demolition	Reggie's Design P/L	28/08/2025
A109	G	Shadow diagrams	Reggie's Design P/L	28/08/2025
A110	G	Area calculations	Reggie's Design P/L	28/08/2025

Documents			
Document title	Version number	Prepared by	Date of document
Basix Certificate	1776892M_02	Reggie's Design P/L	28/08/2025

## 2. Subject Site and Surrounds

### Site Description



Figure 1: Aerial imagery of subject site

The subject site has a frontage to Beach Street to the east. The site presently contains a two storey dwelling house that is proposed for demolition. A sewer main also traverses from north to south through the western rear part of the site.

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The surrounding area is residential in character and the site is adjoined by single and two storey dwellings.

Summary of Site and Constraints

<b>GIS Map Layer</b>																													
	Lot Area	765m <sup>2</sup>																											
	Zone	R1 General Residential																											
	Does the land have a dwelling entitlement? <i>Note: for rural land refer to <a href="#">clause 4.2D</a> of Shoalhaven LEP 2014.</i>	Yes																											
	Does the property adjoin Council, Crown, National Parks or other public reserve? <i>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</i>	No																											
<b>Topographic Layer</b>	Has appropriate survey information been provided? <i>Note: For residential development identified as “?” on the <a href="#">DA Requirements for Lodgement Checklist (DA Matrix)</a>, the following criteria should be used as a guide for when additional survey detail is required:</i>	Yes																											
	<table border="1"> <thead> <tr> <th>Development and setbacks</th> <th>Type</th> <th>Required Survey Information</th> </tr> </thead> <tbody> <tr> <td>Rural sheds/garages with setbacks &gt;10m</td> <td></td> <td>Builders’ dumpy levels</td> </tr> <tr> <td>Rural sheds/garages with setbacks &gt;5m</td> <td></td> <td>Spot levels and identification survey</td> </tr> <tr> <td>Rural sheds/garages with setbacks &lt;5m</td> <td></td> <td>Part survey of affected areas</td> </tr> <tr> <td>Urban sheds with setbacks &gt;1.2m</td> <td></td> <td>Spot levels</td> </tr> <tr> <td>Urban sheds with setbacks &lt;1.2m</td> <td></td> <td>Detailed / Part survey</td> </tr> <tr> <td>Carports with setbacks &lt;1.2m</td> <td></td> <td>Identification survey</td> </tr> <tr> <td>Urban retaining walls</td> <td></td> <td>Detailed survey</td> </tr> <tr> <td>Rural retaining walls</td> <td></td> <td>Survey information as necessary</td> </tr> </tbody> </table>	Development and setbacks	Type	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	
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Carports with setbacks <1.2m		Identification survey																											
Urban retaining walls		Detailed survey																											
Rural retaining walls		Survey information as necessary																											
Fall direction of land	Generally flat with a minor slope towards the western rear boundary.																												
Slope of land >20%?	No																												
<b>Site Inspection</b>	Works within proximity to electricity infrastructure?	No																											
	Is the development adjacent to a <a href="#">classified road</a> ?	No																											
	Is the development <a href="#">adjacent to a rail corridor</a> ?	No																											

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<b>Eastern Gas High Pressure Pipeline (Jemena)</b>	<p>Site within proximity to the eastern gas high pressure pipeline?</p> <ul style="list-style-type: none"> <li>within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or</li> <li>within 20m of the centreline (measured radially) of a relevant pipeline, or</li> <li>within 20m of land the subject of an easement for a relevant pipeline.</li> </ul>	No
<b>Utility Network</b>	Access to reticulated sewer?	Yes
	<p>Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?</p> <div style="border: 1px solid #ccc; padding: 5px;"> <input checked="" type="checkbox"/> Sewer Pressure Mains &gt; <ul style="list-style-type: none"> <li><span style="color: red;">—</span> Rising Main</li> <li><span style="color: red;">—</span> Surcharge Main</li> <li><span style="color: red;">—</span> Low Pressure Sewer Main</li> <li><span style="color: green;">—</span> Under Construction</li> </ul> </div>	N/A
	<p>Building over sewer policy applicable?</p> <p><i>Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.</i></p>	Yes - Referral to Shoalhaven Water required.
	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)?	Yes - Referral to Shoalhaven Water required.
	<p>On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?</p> <p><i>Note: Ensure you have adequate information about the location of existing OSSM systems</i></p>	N/A
	<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><i>Note: EMA/EDAs should be located at least 20m away from a downstream water main and at least 10m from an upstream water main.</i></p>	N/A
<b>E n v i r o n m e n t</b>	Aboriginal Cultural Heritage	No

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	Bush Fire	No
	Coastal Hazard Lines (applies to location of proposed development)	No
	Coastal Hazard Area	No
	Potentially Contaminated Land	No
	Flood <i>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 <a href="#">Chapter G9</a> of Shoalhaven DCP 2014.</i> <input checked="" type="checkbox"/> Flood Data <input checked="" type="checkbox"/> <input type="checkbox"/> Flood Studies	No
Planning Layers	Development on waterfront land (i.e. within 40m of a watercourse) <i>Note: A Controlled Activity Approval (CAA) may be required for works within 40m of a watercourse. The <a href="#">Waterfront land e-tool</a> can be used to determine if a CAA is required.</i>	No
	Development Control Plan - <a href="#">Area Specific Chapters</a>	No
	Draft Exhibited Planning Proposal	No
	<a href="#">Shoalhaven LEP (Jerberra Estate) 2014</a>	No
	<a href="#">Acid Sulfate Soils</a>	Class 4
	Buffers	No
	<a href="#">Terrestrial Biodiversity</a>	No
	Local Clauses <ul style="list-style-type: none"><li>Clause 7.20 – Development in the Jervis Bay region</li></ul>	Yes
	<a href="#">Coastal Risk Planning</a>	No
	<a href="#">Heritage</a>	No
	<a href="#">Scenic Protection</a>	No
	<a href="#">Riparian Land and Watercourses</a> <i>Note: Clause 7.6 applies to all land identified as "Riparian Land", "Watercourse", and all land within 50m of the top bank of a "Watercourse".</i>	No
	Sydney Drinking Water Catchment area (e.g. NorBE) <i>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</i>	No

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<b>BV Map</b>		
	<i>SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management</i>	Yes <ul style="list-style-type: none"> <li>Proximity Area for Coastal Wetlands</li> <li>Coastal use area</li> </ul>
	<a href="#">Marine Park Estate</a>	No <ul style="list-style-type: none"> <li>Jervis Bay Marine Park</li> </ul>
	<i>Biodiversity Values Map</i>	No

Site Inspection Observations

Refer to site inspection report.

Deposited Plan and 88B Instrument

There are no identified 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	03/03/2025
2	Additional Information was requested	14/03/2025
3	Additional Information was requested	17/03/2025
4	Application lodged	18/03/2025
5	Additional Information was requested	18/03/2025
6	Additional Information was requested	19/03/2025
7	Additional Information was provided	24/03/2025

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**Site History and Previous Approvals**

One Council Applications

TrimApplication	Date Lodged	Portal No	Application Type	Proposal	Decision	Status	Determined
<a href="#">DA2025/1210</a>	07/03/2025	PAN-510769	Subdivision	Torrens Title Subdivision of Dual Occupancy	AwaitInfo	Current	
<a href="#">DA2025/1209</a>	06/03/2025	PAN-510744	Residential - New second occupancy	Demolition of existing dwelling, proposed new attached dual occupancy with secondary dwellings and plunge pools	AwaitInfo	Current	
<a href="#">DA2025/1071</a>		PAN-504476	Subdivision	Torrens Title Subdivision of Dual Occupancy	Return	Past	05/02/2025
<a href="#">DA2025/1069</a>		PAN-504449	Residential - New second occupancy	Demolition of existing dwelling, proposed new attached dual occupancy with secondary dwellings and plunge pools and associated works	Return	Past	05/02/2025

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed
<a href="#">DR25/1221</a>	27/03/2025	Sewer Connection	New Sewer Connection - attached dual occupancy	Incomplete	

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner
BA80/1694	Timber Dwelling	Approved	Medelis J
<a href="#">SD10838</a>		Approved	Medelis J

<i>Is the proposed development compatible with any relevant previous approvals?</i>	Yes
<i>Are there any orders applying to the property?</i> <i>Note: Orders are viewable under the Development – Orders tab in the property details.</i>	No
<i>Does the proposal appear to include/relate to any unauthorised building work?</i> <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>	No

**4. Consultation and Referrals**

Internal Referrals	
Referral	Comments
Shoalhaven Water	No objection subject to recommended conditions. Conditions to be imposed as recommended in the event the DA is determined by way of approval..
Property Section	No objection subject to recommended conditions. Conditions to be imposed as recommended in the event the DA is determined by way of approval..

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Development Engineer	No objection subject to recommended conditions. Conditions to be imposed as recommended in the event the DA is determined by way of approval..
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**External Referrals**

N/A

**5. Other Approvals**

**Integrated Development**

N/A

**6. Statutory Considerations**

**Environmental Planning and Assessment Act 1979**

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

<i>Is the development site mapped as bush fire prone land?</i>	No
<i>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> <i>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</i>	No
<i>Is the development subject to a performance based solution or a BAL-FZ?</i> <i>Note: As per <a href="#">Appendix 2</a> of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner.</i> <i>Note: The NSW variation of <a href="#">H7D4</a> 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 <a href="#">in consultation with NSW RFS</a>.</i>	No

**Division 4.6 Crown Development**

<i>Is the proposal a Crown development application under <a href="#">Division 4.6</a> of the EP&amp;A Act 1979?</i> <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 <a href="#">EP&amp;A Regulations 2021</a> e.g. NSW Land &amp; Housing Corporation, Landcom etc.</i>	No
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**Biodiversity Conservation Act 1979**

<i>Does the application include works or vegetation removal within the <a href="#">Biodiversity Values mapped area</a>?</i>	No
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<p><b>Does the application involve clearing of native vegetation above the area clearing threshold?</b></p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Area clearing threshold</b></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 border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Minimum lot size associated with the property</th> <th style="text-align: left;">Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <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> </tbody> </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	No
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										
<p><b>Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in <a href="#">section 7.3</a> of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')?</b></p> <p><i>Note: Consideration should be given to the site's proximity to NPWS land (see <a href="#">guidelines</a>) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i></p>	No										
<p><b>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <u>any</u> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</b></p>	N/A										

**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**

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

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### Marine Estate Management Act 2014

Does the application include any works within the marine park or aquatic reserve?	No
Is the development site within the locality (100m buffer) of a marine park or aquatic reserve?	No

## 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:

Environmental Planning Instrument
<a href="#">Shoalhaven Local Environmental Plan 2014</a>
<a href="#">State Environmental Planning Policy (Housing) 2021</a>
<a href="#">State Environmental Planning Policy (Resilience and Hazards) 2021</a>
<a href="#">State Environmental Planning Policy (Sustainable Buildings) 2022</a>

#### State Environmental Planning Policy (Housing) 2021

##### Division 2 – Secondary dwellings permitted with consent

##### 52 Development may be carried out with consent

- (1) Development to which this Part applies may be carried out with consent.
- (2) Development consent must not be granted for development to which this Part applies unless—
  - (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and
  - (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and
  - (c) the total floor area of the secondary dwelling is—
    - (i) no more than 60m<sup>2</sup>, or
    - (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.

No dwellings other than the principal dwelling and the secondary dwelling would be located on the land. This would be achieved by requiring the following conditions to be imposed in any consent:

- Staging to ensure that the Dual Occupancy occurs as Stage 1, the Subdivision Application occurs as Stage 2, and the Secondary Dwellings occur as Stage 3.

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- Subdivision Certificate for Torrens Title subdivision not to be issued until the Occupation Certificate for the Dual Occupancy has been issued.
- Construction Certificate for the Secondary Dwellings not to be issued until evidence has been provided that the Torrens Title subdivision under Stage 2 has been registered with Land and Registry Services.

**53 Non-discretionary development standards—the Act, s 4.15**

(1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

**Note—**

*See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.*

(2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*

- (a) *for a detached secondary dwelling—a minimum site area of 450m<sup>2</sup>,*
- (b) *the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.*

The site area exceeds 450m<sup>2</sup> in its existing layout. However Council notes that the secondary dwellings would be located on resultant lots which have an area which does not achieve the required 450m<sup>2</sup>. This demonstrates non-compliance with this non-discretionary development standard. In accordance with the provisions of section 4.15(3)(b) of the EP&A Act 1979, *a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.* In this regard, a clause 4.6 variation has been submitted by the applicant, seeking to justify the variation – refer Appendix D in the Report below for a detailed assessment in this regard.

No additional parking has been required for the secondary dwellings.

State Environmental Planning Policy (Resilience and Hazards) 2021

**Chapter 2 Coastal management**

The subject land is mapped as land in proximity to coastal wetlands or littoral rainforest and coastal use area under the SEPP.

It is considered that the proposed development does not unduly impact upon the coastal environment. The proposed development is acceptable with regard to SEPP.

**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
2. Are there any previous investigations about contamination on the land?	<input type="checkbox"/>	Detailed investigation required.
		<input checked="" type="checkbox"/> Proceed to Question 3

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Question	Yes		No	
3. Was the site previously used or is the site currently used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 4
4. Are there any land use restrictions on the land relating to possible contamination (e.g. notices issued by EPA or other regulatory authority)?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 5
5. Did the site inspection suggest that the site may have been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines or were any potential sources of contamination observed on site?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 6
6. Are there any identified sources of contamination on land immediately adjoining the subject site which could affect the subject land?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 7
7. Does Council have sufficient information to be satisfied that the proposed land use will not expose contaminants that might be present in soil or groundwater?	<input checked="" type="checkbox"/>	Proposal satisfactory with regard to SEPP and DCP requirements	<input type="checkbox"/>	Detailed investigation required.

State Environmental Planning Policy (Sustainable Buildings) 2022

**Chapter 2 Standards for residential development — BASIX**

BASIX Certificate	
<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"> <li>• <i>Erection (but not the relocation of) of all new residential dwellings.</i></li> <li>• <i>Development that involves the change of use by which a building becomes a dwelling.</i></li> <li>• <i>Alterations and additions to dwellings that cost \$50,000 or more.</i></li> <li>• <i>Swimming pools and spas with a combined capacity of 40,000 litres or more.</i></li> </ul>	Yes
<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>	Yes
<p><i>Have BASIX commitments identified to be shown in the DA been shown on the DA plans?</i></p>	Yes

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Shoalhaven Local Environmental Plan Local Environmental Plan 2014

**Land Zoning**

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

**Characterisation and Permissibility**

The proposal is best characterised as ‘dual occupancy’ and ‘secondary dwelling’ development under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

**Zone objectives**

Objective	Comment
<ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To identify land suitable for future urban expansion</li> </ul>	<p>The proposal is consistent with the objectives of the zone.</p>

**Applicable Clauses**

Clause	Comments	Complies/ Consistent
Part 1 Preliminary		
Part 2 Permitted or prohibited development		
<a href="#">2.6</a>	No subdivision proposed as part of this development application. An application for subdivision of the land has instead been lodged in the form of a separate development application.	N/A
<a href="#">2.7</a>	Demolition is permitted but only with development consent.  The demolition is proposed as part of the development application and appropriate conditions would be included in any development consent.	Complies
Part 4 Principal development standards		
<a href="#">4.1A</a>	<p>The proposed development is for construction of a Dual Occupancy (attached) within the R1 General Residential zone.</p> <p>The lot has a site area of greater than a 500m<sup>2</sup> and therefore the proposal meets the requirements of subclause (2).</p> <p>It is noted that a separate development application has been made for Torrens Title subdivision of the proposed dual occupancy. Development consent for the dual occupancy has been sought under clause 4.1A (2), and therefore the dual occupancy can be subdivided into lots of any size to enable the resulting individual dwellings on those lots to have separate titles pursuant to subclause (4) noting that development consent for a dual occupancy must first be granted.</p>	Complies

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	<p>The proposal is considered suitable with regard to clause 4.1A and the construction of the proposed Dual Occupancy (attached) is permissible with development consent.</p> <p><i>Note: Two secondary dwellings are proposed for construction (one ancillary to each respective dual occupancy dwelling). It will be a requirement of any consent to ensure that the development application lodged concurrently for the subdivision of the dual occupancy occur before the construction of the secondary dwellings taking place.</i></p> <p><i>The reason is to ensure that the development does not constitute a multi-dwelling housing development, which would otherwise have resulted in a non-compliance with Clause 4.1A given the area of the lot is not equal to or greater than 900m<sup>2</sup>.</i></p>					
<a href="#">4.3</a>	<p>The height set by the Height of Buildings Map is 8.5m</p> <p>The proposed development has a peak height of 7m and does not exceed the building height limit.</p>	Complies				
<a href="#">4.6</a>	Refer detailed assessment carried out at Appendix D against the applicable requirements.					
<b>Part 5 Miscellaneous provisions</b>						
<a href="#">5.4</a>	The proposed secondary dwelling does not have a floor area greater than 60m <sup>2</sup> .	Complies				
<b>Part 7 Additional local provision</b>						
<a href="#">7.1</a>	<p>The subject land is mapped as acid sulfate soils:</p> <table border="1" data-bbox="422 1008 1061 1164"> <thead> <tr> <th>Class</th> <th>Commentary</th> </tr> </thead> <tbody> <tr> <td>Class 4</td> <td>The proposal does not involve work more than 2m below the natural ground surface or works by which the water table is likely to be lowered more than 2m below the natural ground surface.</td> </tr> </tbody> </table> <p>Consequently, neither a preliminary ASS assessment nor an ASS management plan is required to be submitted.</p>	Class	Commentary	Class 4	The proposal does not involve work more than 2m below the natural ground surface or works by which the water table is likely to be lowered more than 2m below the natural ground surface.	Complies
Class	Commentary					
Class 4	The proposal does not involve work more than 2m below the natural ground surface or works by which the water table is likely to be lowered more than 2m below the natural ground surface.					
<a href="#">7.2</a>	<p>Consideration has been given to the matters outlined in clause 7.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately.</p> <p>The proposal is considered to comply with the objectives and therefore satisfies clause 7.2.</p>	Complies				
<a href="#">7.7</a>	The proposed works are not located on land with a slope of >20% and are not located on land identified as a "sensitive area".	Complies				
<a href="#">7.11</a>	<p>All relevant services are available to the site.</p> <p>There is suitable vehicle access to the site.</p>	Complies				
<a href="#">7.20</a>	<p>The subject site is located within the Jervis Bay region and therefore the provisions under Clause 7.20 apply.</p> <p>The proposal has been considered against the relevant provisions and is found to comply with the applicable requirements. In this regard, the proposal is considered satisfactory with regard to the considerations set out in clause 7.20.</p>	Complies				

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**ii) Draft Environmental Planning Instrument**

The proposal is not inconsistent with any [draft environmental planning instruments](#).

**iii) Any Development Control Plan**

[Shoalhaven Development Control Plan 2014](#)

<b>Generic DCP Chapter</b>	
<b>G1: Site Analysis, Sustainable Design and Building Materials</b>	
<i>Has the application been supported by a suitable site / site analysis plan?</i>	Yes
<i>Have appropriate details of colours and materials been submitted with the application?</i>	Yes
<b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b>	
<i>Has the application been supported with appropriate erosion and sediment control details?</i>	Yes
<i>Does the development require on site detention (OSD) to be provided?</i> <small>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.</small>	Yes - OSD to be conditioned as per highlighted row below.

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TOTAL LOT AREA (m <sup>2</sup> )	POST DEVELOPMENT IMPERVIOUS AREA	TANK SIZE (L)	ORIFICE SIZE (mm)	OUTLET PIPE SIZE (mm)	EMERGENCY OVERFLOW PIPE (mm)
≤ 600	≤ 200	1000	40	100	100
≤ 600	> 200 ≤ 250	1500	45	100	100
≤ 600	> 250 ≤ 300	2000	50	100	100
≤ 600	> 300 ≤ 350	3000	50	100	100
≤ 600	> 350 ≤ 400	4000	55	100	100
≤ 600	> 400 ≤ 450	5000	60	100	100
≤ 600	> 450 ≤ 500	6500	65	100	100
≤ 600	> 500 ≤ 550	7000	70	100	100
> 600 ≤ 1200	≤ 200	1000	40	100	100
> 600 ≤ 1200	> 200 ≤ 250	1500	45	100	100
> 600 ≤ 1200	> 250 ≤ 300	2000	50	100	100
> 600 ≤ 1200	> 300 ≤ 350	3000	50	100	100
> 600 ≤ 1200	> 350 ≤ 400	4500	60	100	100
> 600 ≤ 1200	> 400 ≤ 450	6000	60	100	100
> 600 ≤ 1200	> 450 ≤ 500	7000	60	100	100
> 600 ≤ 1200	> 500 ≤ 550	9000	60	100	100
> 600 ≤ 1200	> 550 ≤ 600	10000	60	100	100
> 600 ≤ 1200	> 600 ≤ 650	11000	70	100	100
> 600 ≤ 1200	> 650 ≤ 700	12000	80	150	150
> 600 ≤ 1200	> 700 ≤ 800	12000	90	150	150
> 600 ≤ 1200	> 800	On-site detention tank design required by practicing Engineer. Refer to Note. 6.			
> 1200 ≤ 2000	≤ 200	1000	40	100	100
> 1200 ≤ 2000	> 200 ≤ 250	1000	40	100	100
> 1200 ≤ 2000	> 250 ≤ 300	1000	45	100	100
> 1200 ≤ 2000	> 300 ≤ 350	1500	45	100	100
> 1200 ≤ 2000	> 350 ≤ 400	3000	50	100	100
> 1200 ≤ 2000	> 400 ≤ 450	5000	60	100	100
> 1200 ≤ 2000	> 450 ≤ 500	7000	60	100	100
> 1200 ≤ 2000	> 500 ≤ 550	7500	60	100	100
> 1200 ≤ 2000	> 550 ≤ 600	8000	60	100	100
> 1200 ≤ 2000	> 600 ≤ 650	9000	70	100	100
> 1200 ≤ 2000	> 650 ≤ 700	11000	70	100	100
> 1200 ≤ 2000	> 700 ≤ 750	11500	75	100	100
> 1200 ≤ 2000	> 750 ≤ 800	12000	80	150	150
> 1200 ≤ 2000	> 800	On-site detention tank design required by practicing Engineer. Refer to Note. 6.			

Each unit in the dual occupancy will be required to provide 3kL  
Each unit in the attached secondary dwelling will be required to provide 1.5kL  
Total capacity will equal 9kL  
The above requirements would be conditioned in any consent.

Has the application been supported appropriate stormwater drainage details?	Yes - See commentary below
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Question	Yes		No	
1. Is the application for alterations and additions attached to an existing building?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	<input checked="" 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 type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to street.	<input checked="" 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 checked="" type="checkbox"/>	Proceed to Question 7	<input type="checkbox"/>	Proceed to Question 8

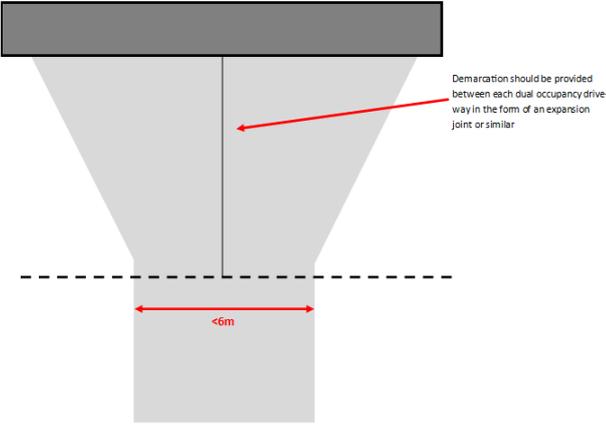
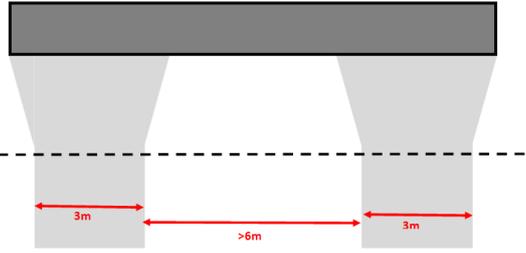
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<p>7. If charged stormwater drainage is proposed, have suitable efforts been made to demonstrate that drainage to the street via gravity or creation of a drainage easement is not possible.</p> <p><i>Note: <a href="#">A2.1 of Chapter G2 of Shoalhaven DCP 2014</a> outlines the necessary steps to be satisfied that stormwater drainage via gravity or creation of an inter-allotment drainage easement is not possible. An <a href="#">easement request letter</a> is available on Council's website.</i></p> <p><i>Note: Where an easement refusal letter is submitted it must indicate that a reasonable amount of compensation has been offered for the proposed drainage easement and that the advantages of creating as easement were explained to the affected landowner.</i></p>	<input checked="" type="checkbox"/>	<p>Discuss with supervisor or development engineer</p>	<input type="checkbox"/>	<p>Applicant must submit information demonstrating how proposed development complies with A2.1 in Chapter G2.</p>
<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 <a href="#">Chapter G2 of Shoalhaven DCP 2014</a> absorption trenches should only be utilised as a last resort.</i></p>	<input type="checkbox"/>	<p>Proceed to Question 9</p>	<input type="checkbox"/>	<p>Does not comply - Insufficient stormwater details have been provided.</p>
<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"/>	<p>Discuss with supervisor or development engineer</p>	<input type="checkbox"/>	<p>Does not comply – additional stormwater drainage details and a geotechnical report for the absorption trenches is required as per <i>Chapter G2 of Shoalhaven DCP 2014</i></p>
<p><b><u>G3:</u> Landscaping Design Guidelines</b></p>				
<p><i>Is existing/proposed landscaping appropriate?</i></p> <p><i>Note: The planting of weed species listed in the <a href="#">South East Regional Strategic Weed Management Plan 2023 – 2027</a> is not supported.</i></p>				<p>Yes</p>
<p><i>Does the proposal impact on any street trees?</i></p>				<p>No</p>
<p><b><u>G4:</u> Tree and Vegetation Management</b></p>				
<p><i>Have any trees proposed to be removed been clearly shown on the site plan (where required)?</i></p>				<p>N/A</p>
<p><i>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)?</i></p>				<p>Yes - Minor encroachment into TPZ (&lt;10%). Encroachment is</p>

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<p>Note: TPZ and SRZ encroachments can be calculated using the <a href="#">AS4970-2009 calculator</a>.</p> <p>Note: Australian Standard AS4970 – 2009 sets out the methodology for calculating TPZ and SPZ.</p> <p>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.</p>		considered acceptable and an arborist report is not required.
<b>G5: Biodiversity Impact Assessment</b>		
Is the proposal satisfactory with regard to biodiversity impacts?		N/A
<b>G7: Waste Minimisation and Management Controls</b>		
Has the application been supported by an appropriate waste minimisation and management plan?		Yes
<b>G11: Subdivision of Land</b>		
A concurrent Development Application has been lodged for the subdivision of the land. As such, no subdivision is proposed in associated with this application.		
<b>G12: Dwelling Houses and Other Low Density Residential Development</b>		
See Appendix A		
<b>G13: Medium Density and Other Residential Development</b>		
See Appendix B		
<b>G21: Car Parking and Traffic</b>		
<p><b>Number of on-site car parking spaces required by <a href="#">Section 5.1 of Chapter G21</a></b></p>		<p><b>Number of car parking spaces provided</b></p>
2 Spaces per Dwelling		2 Spaces per Dwelling
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>		Yes
<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 proposed/required?		Yes
Is the total vehicle crossover width for the site <6m?		Yes

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<p><i>Note: A11.3 in Chapter G12 and A13.1 in Chapter G13 provide controls for maximum driveway widths.</i></p> <p><i>Note: Multiple driveways (including horseshoe driveways) to single dwellings are not generally supported.</i></p>	
<p><b>Are proposed driveways appropriately located to avoid conflicts with street infrastructure?</b></p> <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>	Yes
<p><b>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.</b></p>  <p>Demarcation should be provided between each dual occupancy driveway in the form of an expansion joint or similar</p> <p>&lt;6m</p>	N/A
<p><b>Does the location of proposed new driveways facilitate appropriate on street parking opportunities?</b></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>  <p>3m &gt;6m 3m</p>	Yes

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<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> <p style="text-align: center;"><b>Maximum Garage Floor Height - High Level Garage</b></p> <p style="text-align: center;"><b>Minimum Garage Floor Height - Low Level Garage</b></p> <p style="text-align: center;">Longitudinal Section</p>	<p style="text-align: center;">Yes</p>
<p><i>Does the proposed development require the provision of kerb and gutter?</i></p> <p><i>Note: Table 3 in Chapter G21 requires that kerb and gutter be provided for dual occupancy and medium density development. There is no kerb and gutter requirement for low density residential development (e.g. alterations and additions, single dwellings, secondary dwellings)</i></p>	<p style="text-align: center;">Yes - Referral to development engineers required</p>
<p><b>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</b></p>	
<p><i>Is the development suitable with regard to acid sulfate soils?</i></p>	<p style="text-align: center;">Yes</p>
<p><i>Does the application suitably address issues with regard to erection of any buildings or structures on land with a slope &gt;20% or on land with stability problems?</i></p>	<p style="text-align: center;">N/A</p>

<p><b>Area Specific DCP Chapter</b></p>
<p>N/A</p>

iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements applying to this application.

Section 4.15 Assessment Report - DA2025/1209

**iv) Environmental Planning and Assessment Regulation 2021**

<a href="#">Clause 62</a>	Does the application result in a change of use of an existing building but does not propose any building works?	No
<a href="#">Clause 64 Partial Upgrade</a>	Does the application involve alterations or additions to an existing building?	No
<a href="#">Clause 64 Total Upgrade</a>	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

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**

**State and Local Infrastructure Contributions**

State Contributions																						
<p>Does the proposed development trigger the Housing and Productivity Contribution (HPC)?</p> <p><i>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.</i></p> <p><i>Note: HPC is implemented via Ministerial planning orders. Different Orders apply for development lodged before 1/7/2024. See the <a href="#">NSW Government webpage</a> for further information.</i></p> <p><i>Note: The <a href="#">Housing and Productivity Contributions Guide to the Ministerial Planning Order</a> provides examples and guidance for calculating HPC.</i></p> <table border="1"> <thead> <tr> <th colspan="3">Central Coast, Illawarra Shoalhaven and Lower Hunter</th> </tr> <tr> <th>Development class</th> <th>Amount</th> <th>Unit</th> </tr> </thead> <tbody> <tr> <td>Residential subdivision</td> <td>\$8,000</td> <td>new dwelling lot</td> </tr> <tr> <td>Medium or high-density residential development</td> <td>\$6,000</td> <td>new dwelling</td> </tr> <tr> <td>Manufactured home estate</td> <td>\$6,000</td> <td>new dwelling site</td> </tr> <tr> <td>Commercial development</td> <td>\$30</td> <td>square metre of new GFA</td> </tr> <tr> <td>Industrial development</td> <td>\$15</td> <td>square metre of new GFA</td> </tr> </tbody> </table>	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	Yes - Residential Development
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Section 4.15 Assessment Report - DA2025/1209

<p>Note: The Ministerial planning orders provide excluded lots and credits in some instances. When calculating HPC ensure that these are considered.</p>																																																																																																																																									
<p><b>Local Contributions</b></p>																																																																																																																																									
<p>Is the development site an <a href="#">"old subdivision property"</a> identified in Shoalhaven Contributions Plan 2019?</p>	<p>No</p>																																																																																																																																								
<p>Is the proposed development considered to increase the demand for community facilities in accordance with the <a href="#">Shoalhaven Contributions Plan 2019</a>?</p>	<p>Yes - s7.11 contributions are applicable. See calculations made below Table.</p>																																																																																																																																								
<p>Where s7.11 contributions are raised for residential development, have they been capped (where required) as per the <a href="#">Ministerial Direction</a>?</p>	<p>No s7.11 cap applicable under Schedule 1 of Direction</p>																																																																																																																																								
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<p>Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)</p>	<p>Yes - See Shoalhaven Water Development Application Notice.</p>																																																																																																																																								

CL26.55 - Attachment 3

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The development is most aptly characterised as a 'Dwelling' and 'Development under the Affordable Rental Housing SEPP (excluding boarding houses)' development for the purpose of calculating contributions under the Plan.

Section 7.11 ET Calculations -

Close Reset Print Return Calc

Residential  Non-Residential

**Calculation Type:**  
 Medium Density/Dual Occupancy v

**Medium Density/Dual Occupancy** Button

	Existing	Proposed
1 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
2 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
3 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
4 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
Lots/Dwellings (not via Affordable Rental Housing SEPP)	1	2
Boarding House Bedrooms	0	0
<b>Total ET</b>		<b>1</b>
		<b>0</b>

Developer Contributions - Calculation: 7842

**Fin Year:** 2025/26 v

**Refresh Rates -**

Refresh the Contribution Rates for the current select projects before creating the invoice.

Save Calculation

Delete Calculations

Create Payment Advice

**Application No:** DA2025/1209 Total: \$12,975.14

**App Description:** Demolition of existing dwelling, proposed new attached dual occupancy with secondary dwellings and plunge pools

**Address:** 25 Beach St, VINCENTIA

**Location:** Lot 262 DP 25099

**Primary UTE:** 12625

---

**Recipient:**

+ [Calculation Details \(click to show\)](#) Calculate ET

Calculation Financial Year: 2025 Rates Stage: 1 20000 Apportion Cap

Project	Description	Benefit Area	Contribution Amt	Cap Adjustment	Qty	Contribution Total	ADD
03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	01 - ET	336.29	0.00	1.00	336.29	X
03AREC0003	Bay and Basin Leisure Centre	01 - ET	504.10	0.00	1.00	504.10	X
03CFAC0007	Bay & Basin Branch Library	01 - ET	668.76	0.00	1.00	668.76	X
03CFAC4001	Bay & Basin Community Hub	01 - ET	3253.48	0.00	1.00	3253.48	X
03ROAD4021	The Wool Road Bypass, St Georges Basin	01 - ET	211.96	0.00	1.00	211.96	X
CWABEC5003	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	03 - ET	3008.42	0.00	1.00	3008.42	X
CWCFAC3002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	03 - ET	2273.72	0.00	1.00	2273.72	X
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	01 - ET	1536.92	0.00	1.00	1536.92	X
CWCFAC5007	Shoalhaven Regional Gallery	01 - ET	84.38	0.00	1.00	84.38	X
CWFIRE2001	Citywide Fire & Emergency services	01 - ET	165.78	0.00	1.00	165.78	X
CWFIRE2002	Shoalhaven Fire Control Centre	01 - ET	242.53	0.00	1.00	242.53	X
CWMGMT3001	Contributions Management & Administration	01 - ET	689.40	0.00	1.00	689.40	X
<b>Label</b>			<b>\$12,975.14</b>	<b>\$0.00</b>		<b>\$12,975.14</b>	

Section 4.15 Assessment Report - DA2025/1209

Section 7.11 ET Calculations -

Residential
  Non-Residential

Calculation Type:

Medium Density/Dual Occupancy

Medium Density/Dual Occupancy

	Existing	Proposed
1 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	2
2 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
3 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
4 Bedroom Dwelling (Affordable Rental Housing SEPP)	0	0
Lots/Dwellings (not via Affordable Rental Housing SEPP)	0	0
Boarding House Bedrooms	0	0
<b>Total ET</b>		<b>0.8</b>
		<b>0</b>

Developer Contributions - Calculation: 9240

Fin Year: 2025/26

Refresh the Contribution Rates for the current select projects before creating the invoice.

**Application No:** DA2025/1209 **Total:** \$10,380.11  
**App Description:** Demolition of existing dwelling, proposed new attached dual occupancy with secondary dwellings and plunge pools  
**Address:** 25 Beach St. VINCENTIA  
**Location:** Lot 262 DP 25099  
**Primary UTE:** 12625

**Recipient:** Beach Street Getaways Pty Ltd  
 PO Box 115 HUSKISSON NSW 2540

+ Calculation Details (click to show)

Calculation Financial Year: 2025 Rates Stage: 2 20000 Apportion Cap

Project	Description	Benefit Area	Contribution Amt	Cap Adjustment	Qty	Contribution Total	ADD
03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	01 - ET	336.29	0.00	0.80	269.03	X
03AREC0003	Bay and Basin Leisure Centre	01 - ET	504.10	0.00	0.80	403.28	X
03CFAC0007	Bay & Basin Branch Library	01 - ET	668.76	0.00	0.80	535.01	X
03CFAC4001	Bay & Basin Community Hub	01 - ET	3259.48	0.00	0.80	2602.78	X
03ROAD4021	The Wool Road Bypass, St Georges Basin	01 - ET	211.36	0.00	0.80	169.09	X
03WREC3003	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	03 - ET	3006.42	0.00	0.80	2405.74	X
03WCFAC3002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	03 - ET	2273.72	0.00	0.80	1818.98	X
03WCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	01 - ET	1536.92	0.00	0.80	1229.54	X
03WCFAC3007	Shoalhaven Regional Gallery	01 - ET	84.38	0.00	0.80	67.50	X
03WEIRE2001	Citywide Fire & Emergency services	01 - ET	165.78	0.00	0.80	132.62	X
03WEIRE2002	Shoalhaven Fire Control Centre	01 - ET	242.53	0.00	0.80	194.02	X
03WGMT3001	Contributions Management & Administration	01 - ET	689.40	0.00	0.80	551.52	X
<b>Label</b>			<b>\$12,975.14</b>	<b>\$0.00</b>		<b>\$10,380.11</b>	

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

**(c) Suitability of the site for the development**

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- 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. One submission was received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Reasons for Determination
Density of new building	The development complies with the maximum floor space ratio of 0.5:1 as required under Council's Development Control Plan.
Shadow cast	Shadow diagrams have been provided for the winter solstice (21 June). Amended plans were received which have included the neighbouring house to the south including the solar panels and the shadow impacts modelled.  The diagrams demonstrate that apart from partial shadowing in the morning trimester the solar panels will remain shadow free for the remainder of the day.

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	<p>In accordance with Acceptable Solution A16.3 of Council's Development Control Plan, Chapter G13- Medium Density and Other Residential Developments, it is required that:</p> <p><i>Direct solar access to the following must be maintained for at least 3 hours between 9am and 3pm on 21 June:</i></p> <ul style="list-style-type: none"> <li>• Existing rooftop solar systems</li> </ul> <p>The development and submitted shadow diagrams were considered against this requirement, and it was found that the development complies with this requirement, with at least 3 hours of solar access being maintained.</p>
Parking	<p>The front dual occupancy has parking which complies with Council's Development Control Plan – being two vehicle spaces per residence (single car garage and stack parking on the driveway).</p> <p>The State Environmental Planning Policy for secondary dwellings does not require the provision of car parking and an application cannot be refused due to the lack of parking.</p>
Noise	<p>The applicant has nominated the location of proposed air conditioning units for the two storey dual occupancy development to be on either side of the wing wall at the front of the development.</p> <p>Being proposed in the centre of the property, it is assessed that this will alleviate potential noise impacts for the adjoining property owners. The air conditioning units for the secondary dwellings will be on the rear wall away from the property boundary. The pool pumps will be located towards the rear of the property adjacent to the side boundaries but within an acoustic box, which is proposed to reduce any potential noise.</p>
Privacy	<p>Any upgrading or replacement of the boundary fencing will need to be negotiated between the property owners.</p>

**(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>
CI 53(2) of Housing SEPP	67.45m <sup>2</sup> (382.55m <sup>2</sup> rather than 450m <sup>2</sup> )	14.99%

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Are any DCP performance-based solutions proposed?		Yes
Acceptable Solution	Numerical Extent of Departure	Percentage (%) Extent of Departure
A17.3	0.926m <sup>2</sup>	4.63%

**Guidelines for use of Delegated Authority**

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

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

**Recommendation**

Section 4.15 Assessment Report - DA2025/1209

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 complies with the 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.
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  
24/09/2025

**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, on the basis that contributions be reflective of the staged format of the development.

**Senior Development Planner**  
City Development  
15/10/2025

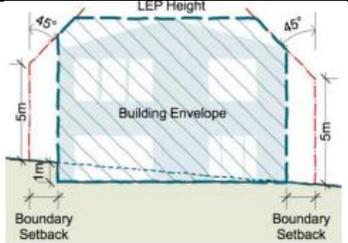
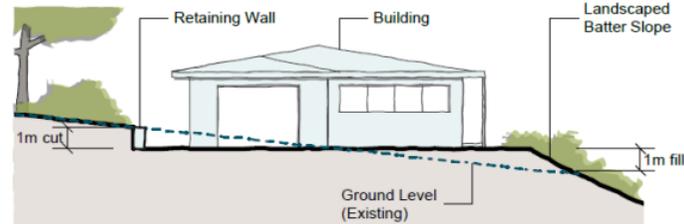
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**Appendix A – Assessment Checklist: Chapter G12: Dwelling Houses and Other Low Density Residential Development**

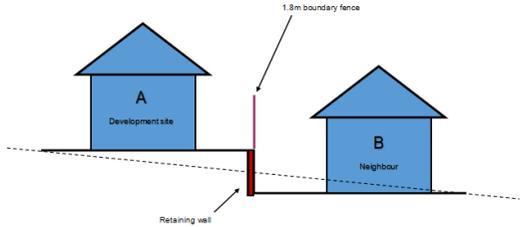
*Secondary dwelling assessment*

<b>Objectives of Chapter G12</b>	
<p>The objectives of are to:</p> <ul style="list-style-type: none"> <li>i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity.</li> <li>ii. Maintain and enhance the amenity of existing and future residential areas.</li> <li>iii. Ensure development is compatible with the bulk, scale and character of the area, including scenic, landscape, pastoral or environmental qualities.</li> <li>iv. Set appropriate environmental criteria for energy efficiency, solar access, privacy, noise, vehicular access, parking, landscaping and open space.</li> <li>v. Ensure that development has due regard and is sympathetic to the physical constraints of the site.</li> <li>vi. Allow for efficient use of existing services and facilities, including utility services transport systems and community facilities.</li> <li>vii. Promote wider and more affordable housing choice in Shoalhaven. Implement agreed strategic directions and respond to demographic needs.</li> </ul>	
<b>5 General Controls</b>	
<b>5.1 Building Envelope</b>	
<i>Is the proposed development wholly contained within the building envelope?</i>	Yes

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 <p><b>Figure 1: Building envelope</b></p>	
<p><b>5.2 Orientation and Siting</b></p>	
<p>Does the proposed development respond to the constraints and opportunities of the site?</p>	<p>Yes</p>
<p>Are proposed earthworks appropriate? Note: Acceptable Solution A3.1 limits cut and fill to 1m.</p>  <p><b>Figure 2: Maximum cut and fill</b></p>	<p>Yes - Cut and fill is &lt;1m</p>
<p>Where retaining walls are located on the boundary does the application propose boundary fencing on top of the retaining wall?</p>	<p>N/A</p>
<p>Are impacts to neighbouring properties from retaining walls and boundary fencing appropriate? Note: Where boundary fencing is proposed on top of a retaining wall on the boundary, there may be additional overshadowing and amenity impacts on the low side neighbour.</p>	<p>Yes</p>

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<p><i>Note: Where fill and retaining walls are proposed abutting boundary fencing (i.e. boundary fencing is not on top of boundary retaining walls) the effective height of boundary fencing is reduced and may result in privacy and overlooking impacts on the low side neighbour.</i></p>	
<p><b>Are retaining walls of an appropriate height and scale?</b></p> <p><i>Note: Acceptable Solution A19.4 suggests retaining walls &gt;0.6m within the front setback of visible from the public domain should be softened with landscaping.</i></p> <p><i>Note: The visual impact of retaining walls should also consider any fencing (e.g. boundary fencing, pool fencing) or other structures on top of the retaining walls.</i></p>	<p>Yes</p>
<p><b>Where retaining walls are located on the boundary is appropriate consent provided from adjoining property owners affected by the retaining wall?</b></p> <p><i>Note: Where the exposed face of a retaining wall on a boundary affects a neighbouring property, consent from that adjoining property owner should be obtained. i.e. in the image below, where a DA is lodged on Development Site A which includes a retaining wall on the boundary, consent should also be obtained from Neighbour B.</i></p> 	<p>N/A</p>
<p><b>5.3 Local Character and Context</b></p>	
<p><i>Is the proposed development compatible with the existing and desired character of the area?</i></p>	<p>Yes</p>
<p><i>Is the proposed development sympathetic to nearby and adjoining heritage items/conservation areas?</i></p>	<p>N/A</p>

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5.4 Building Form, Design and Materials	
Is the proposed development appropriately designed and articulated?	Yes
Has the application been supported by a material and colour schedule appropriate for the locality?	Yes
5.5 Visual and Acoustic Privacy	
<p>Does the proposed development maintain appropriate visual privacy to adjoining properties?</p> <p>Note: A7.1 identifies direct views between living area windows should be screened or obscured where ground and second storey windows are within 9m of privacy sensitive zone areas of adjacent dwellings and within 12m for third storey and higher windows.</p> <p>Note A7.2 identifies direct views from living area windows should be screened or obscured where they are located within 12m of an adjacent dwellings <u>principal</u> private open space.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Figure 3: Privacy sensitive zone between living area windows</p> </div> <div style="text-align: center;"> <p>Figure 4: Privacy sensitive zone from living area windows to private open space</p> </div> </div>	<p>Yes - Appropriate separation is provided for living area windows</p>
Is external plant equipment appropriately located to minimise noise impacts to neighbouring properties?	Yes
5.6 Solar and Daylight Access	
Does the proposed development incorporate appropriate solar, water and energy efficiencies?	Yes

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<p><i>Does the proposed development ensure that at least 3 hours of direct sunlight between 9am and 3pm on June 21<sup>st</sup> of the following is maintained to adjacent dwellings?</i></p> <ul style="list-style-type: none"> <li>• 10m<sup>2</sup> of private open space</li> <li>• 50% of windows and glazed doors of north facing living areas</li> <li>• Appropriate area of north facing roof and solar collectors</li> </ul> <p><i>Note: Solar panels often operate on string inverters meaning that the series of solar panels match energy output to the lowest performing solar panel. With this system, if part of any solar panel is overshadowed consistently throughout the day it reduces the overall performance of all solar panels in the array. Consideration should be given accordingly to overshadowing of solar collectors - <a href="#">Solar Inverters: Pros And Cons Of String Inverters Vs. Microinverters</a></i></p>	<p>Yes</p>
<p><b>5.7 Vehicle and Pedestrian Access</b></p>	
<p><i>Does the development provide appropriate vehicle and pedestrian access?</i></p>	<p>N/A – vehicle access not required for secondary dwellings.</p>
<p><b>5.8 Trees and Vegetation</b></p>	
<p><i>Does the proposal preserve existing vegetation where practicable and/or replace vegetation (as appropriate)?</i></p>	<p>Yes</p>
<p><b>5.9 Servicing</b></p>	
<p><i>Are all essential services available to the site?</i></p>	<p>Yes</p>
<p><b>5.10 Water Management and Conservation</b></p>	
<p><i>Is water and stormwater management for the development appropriate?</i></p>	<p>Yes - The proposal is consistent with the development controls in G12 and G2.</p>
<p><b>5.11 Waste Management – Demolition and Construction</b></p>	
<p><i>Will waste generated from demolition and construction be appropriately managed and disposed of?</i></p>	<p>Yes - Recommended conditions of consent will require a suitable Waste</p>

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		Management Plan be provided to the Certifier																													
<b>6 Dwelling Houses, Rural Worker’s Dwellings and Associated Development</b>																															
<b>6.1 Principal Controls</b>																															
<b>6.1.1 Density</b>																															
The proposed development does not exceed a floor space ratio of 0.5:1 in the R1, R2, R5, RU5 or SP3 zones.		Complies																													
<b>6.1.2 Height and Setbacks</b>																															
<p><b>Table 1: Setbacks in the RU1, RU2, RU4, C2, C3, C4, R2 (≥ 2000m<sup>2</sup>) and R5 zones</b></p> <table border="1"> <thead> <tr> <th></th> <th>Front Setback Primary road frontage</th> <th>Front Setback Secondary road frontage</th> <th>Side Setback</th> <th>Rear setback</th> </tr> </thead> <tbody> <tr> <td>For lots up to 4,000m<sup>2</sup></td> <td>12.5m</td> <td rowspan="3">50% of the front setback</td> <td>5m</td> <td rowspan="3">7.5m</td> </tr> <tr> <td>For lots between 4,000m<sup>2</sup> and 10,000m<sup>2</sup></td> <td>20m</td> <td>7.5m</td> </tr> <tr> <td>For lots greater than 10,000m<sup>2</sup> (1ha)</td> <td>30m</td> <td>10m</td> </tr> </tbody> </table>			Front Setback Primary road frontage	Front Setback Secondary road frontage	Side Setback	Rear setback	For lots up to 4,000m <sup>2</sup>	12.5m	50% of the front setback	5m	7.5m	For lots between 4,000m <sup>2</sup> and 10,000m <sup>2</sup>	20m	7.5m	For lots greater than 10,000m <sup>2</sup> (1ha)	30m	10m	<p><b>Table 2: Setbacks in the R1, R2 (&lt; 2000m<sup>2</sup>), R3, RU5 and SP3 zones</b></p> <table border="1"> <thead> <tr> <th>Front Setback Primary road frontage</th> <th>Parallel Road Frontage</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> </thead> <tbody> <tr> <td> <p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>5m to dwellings.</li> <li>4m to verandahs, patios and awnings.</li> </ul> <p>Lots 600m<sup>2</sup> - 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>6m to dwellings.</li> <li>5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>7.5m to dwellings.</li> <li>6.5m to verandahs, patios and awnings.</li> </ul> <p><b>Note:</b> 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>3m</td> <td> <p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/ gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p> </td> <td> <p>Lots under 600m<sup>2</sup>: 3m</p> <p>Lots 600m<sup>2</sup> and over: 3.5m</p> </td> <td>3m (average).</td> <td>7.5m.</td> </tr> </tbody> </table>		Front Setback Primary road frontage	Parallel Road Frontage	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 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>5m to dwellings.</li> <li>4m to verandahs, patios and awnings.</li> </ul> <p>Lots 600m<sup>2</sup> - 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>6m to dwellings.</li> <li>5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>7.5m to dwellings.</li> <li>6.5m to verandahs, patios and awnings.</li> </ul> <p><b>Note:</b> Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	3m	<p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/ gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p>	<p>Lots under 600m<sup>2</sup>: 3m</p> <p>Lots 600m<sup>2</sup> and over: 3.5m</p>	3m (average).	7.5m.
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<b>Zone</b>	R1 General Residential																														
<b>Lot size</b>	765m <sup>2</sup>																														

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	<i>Acceptable Solution</i>	<i>Proposed</i>
<b>Building height (peak building height)</b>	8.5m	4m
<b>Front setback</b>	<b>Front setback (to verandahs, awnings and patios)</b>	The proposed development is located behind the existing front building line.
	<b>Front setback (to dwellings)</b>	
<b>Predominant building line setback</b>	N/A	
<b>Secondary road frontage</b>	N/A	
<b>Parallel road frontage setback</b>	N/A	
<b>Side setback (s)</b>	0.9m	1.5m
<b>Rear setback</b>	3m (average)	3m
<b>Rear / side setback to foreshore reserve</b>	N/A	N/A

The proposed development complies with the acceptable solutions and performance criteria. It is considered that the proposal has been appropriately designed and the bulk and scale of the building is compatible with adjoining development and the surrounding area.

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6.2 Amenity																
6.2.1 Landscaping																
Minimum Landscaped Area	Acceptable Solution	Proposed														
<p><b>Note:</b> The landscaped area excludes any encroachments (i.e. any part of a building or structure), hardstand areas and any areas used for storage, clothes drying, and water tanks.</p> <p><b>Table 3: Minimum landscaped area</b></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Minimum Landscaped Area (of lot area)</th> </tr> </thead> <tbody> <tr> <td>200m<sup>2</sup>–300m<sup>2</sup></td> <td>10%</td> </tr> <tr> <td>&gt;300m<sup>2</sup>–450m<sup>2</sup></td> <td>15%</td> </tr> <tr> <td>&gt;450m<sup>2</sup>–600m<sup>2</sup></td> <td>20%</td> </tr> <tr> <td>&gt;600m<sup>2</sup>–900m<sup>2</sup></td> <td>30%</td> </tr> <tr> <td>&gt;900m<sup>2</sup>–1,500m<sup>2</sup></td> <td>40%</td> </tr> <tr> <td>&gt;1,500m<sup>2</sup></td> <td>45%</td> </tr> </tbody> </table>	Lot Area	Minimum Landscaped Area (of lot area)	200m <sup>2</sup> –300m <sup>2</sup>	10%	>300m <sup>2</sup> –450m <sup>2</sup>	15%	>450m <sup>2</sup> –600m <sup>2</sup>	20%	>600m <sup>2</sup> –900m <sup>2</sup>	30%	>900m <sup>2</sup> –1,500m <sup>2</sup>	40%	>1,500m <sup>2</sup>	45%	30%	31% - according to the submitted calculations plan. Deep soil landscaping 15.08% and permeable landscaping 16.17% - 31.25%.
Lot Area	Minimum Landscaped Area (of lot area)															
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>1,500m <sup>2</sup>	45%															
Does the development provide appropriate landscaping?		Yes														
6.2.2 Private Open Space																
Does the development provide at least 50m <sup>2</sup> of appropriately dimensioned and sited private open space?		N/A														
6.2.3 Storage and Laundry Facilities																
Does the development provide suitable laundry and clothes washing/drying facilities?		Yes														
Does the development provide suitable internal storage areas?		N/A														

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<b>6.2.4 Car Parking</b>	
<i>Does the development provide suitable car parking?</i>	N/A
<b>6.3 Configuration and Design</b>	
<b>6.3.1 Building Form, Design and Materials</b>	
<i>Has the building been designed to incorporate appropriate building facades and entrances?</i>	Yes
<i>Does the development avoid garage dominated design?</i>	N/A
<b>6.3.2 Detached Habitable Rooms and Studios</b>	
N/A – the application does not include the construction of a detached habitable room/studio.	
<b>6.3.3 Relocation of Second-Hand Dwellings</b>	
N/A – the application does not include relocation of a second-hand dwelling	
<b>6.3.4 Fences and Walls</b>	
N/A – the application does not include the erection of any front boundary fencing.	
<b>6.3.5 Universal Design</b>	
<i>Is the proposed development consistent with the principles of universal design and the <a href="#">Livable Housing Design Guidelines – Silver Level</a> (where required)?</i>	N/A
<b>6.3.6 Waste Management – Bin Storage, Presentation and Collection</b>	
<i>Does the proposed development provide suitable bin storage locations screened or concealed from the street?</i>	Yes
<i>Does the site provide suitable kerbside frontage to enable kerbside bin collection?</i>	Yes

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<i>Note: at least 1m should be provided per waste/recycling bin with a 0.5m separation between each bin.</i>	
<b>7 Secondary Dwellings</b>	
<p>As per A32.1, secondary dwellings should comply with:</p> <ul style="list-style-type: none"> <li>• Shoalhaven LEP 2014 – see assessment in Report above.</li> <li>• Chapter 3, Part 2 and the development standards set out in Schedule 1 of <i>State Environmental Planning Policy (Housing) 2021</i> – see assessment in Report above.</li> <li>• Where a proposal does not meet Schedule 1 Development Standards, the application must be consistent with the relevant performance criteria within Sections 5 and 6 of Chapter G12 of <i>Shoalhaven DCP 2014</i> – see assessment below which has revealed that compliance has been achieved.</li> <li>• Relevant controls within the DCP – See assessment in Report above.</li> <li>• Relevant controls of the BCA and Australian Standards – No major BCA non-compliances identified and will be further assessed at Construction Certificate stage.</li> </ul>	
<i>Is the proposed secondary dwelling situated on the same lot of land as the principal dwelling?</i>	Yes
<i>The proposal would not result in any other dwelling other than the principal dwelling and the secondary dwelling being located on the land.</i>	Yes – once the subdivision is completed. Consent will need to be conditioned appropriately.
<i>Is the total floor area of the principal dwelling and secondary dwelling less than any maximum floor area allowed for a dwelling house under another environmental planning instrument (e.g. SEPP, LEP)?</i>	Yes
<i>Does the secondary dwelling have an internal floor area &lt;60m<sup>2</sup> or less than 60% of the floor area of the principal dwelling (whichever is greater)?</i>	Yes
<i>Does the subject lot have coincidental legal and practical access to a public road?</i>	Yes
<i>Does the development include suitable building articulation to the primary road frontage and secondary road frontage (where applicable)?</i>	N/A

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<i>Does the building design ensure adequate privacy is maintained to adjoining dwellings?</i>		Yes										
<i>Are any proposed earthworks or retaining walls consistent with the requirements of <a href="#">SEPP (Housing) 2021</a> or Shoalhaven DCP 2014?</i>		Yes										
<i>Is stormwater drainage for the development appropriate?</i>		Yes										
<i>Is the proposal adequately setback from any trees to be retained on site and/or are adequate measures available to ensure trees are protected during works?</i>		N/A										
<b>Lot size</b>	383m <sup>2</sup>											
<b>Lot type</b>	The subject lot is not a battle-axe allotment											
	<b>Development Standard</b>	<b>Proposed</b>										
<b>Minimum lot width</b>	Resultant lots would have an area of less than 450m <sup>2</sup> and therefore there is no defined standard	7.62m										
<table border="1"> <thead> <tr> <th>Lot Area</th> <th>Required Width</th> </tr> </thead> <tbody> <tr> <td>450m<sup>2</sup> - 900m<sup>2</sup></td> <td>12m</td> </tr> <tr> <td>&gt;900m<sup>2</sup> - 1500m<sup>2</sup></td> <td>15m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>18m</td> </tr> <tr> <td>Battle-axe lot</td> <td>Access handle = 3m Block (excluding access handle) = 12m x 12m</td> </tr> </tbody> </table>			Lot Area	Required Width	450m <sup>2</sup> - 900m <sup>2</sup>	12m	>900m <sup>2</sup> - 1500m <sup>2</sup>	15m	>1500m <sup>2</sup>	18m	Battle-axe lot	Access handle = 3m Block (excluding access handle) = 12m x 12m
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Battle-axe lot	Access handle = 3m Block (excluding access handle) = 12m x 12m											

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<p><b>Maximum site coverage of all development</b></p> <p><i>The total building footprint of principal dwelling, secondary dwelling and any ancillary structures excluding unenclosed awnings and balconies, driveways, farm buildings, pathways, swimming pools</i></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Required Width</th> </tr> </thead> <tbody> <tr> <td>450m<sup>2</sup> - 900m<sup>2</sup></td> <td>50%</td> </tr> <tr> <td>&gt;900m<sup>2</sup> - 1500m<sup>2</sup></td> <td>40%</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>30%</td> </tr> </tbody> </table>	Lot Area	Required Width	450m <sup>2</sup> - 900m <sup>2</sup>	50%	>900m <sup>2</sup> - 1500m <sup>2</sup>	40%	>1500m <sup>2</sup>	30%	<p>Resultant lots would have an area of less than 450m<sup>2</sup> and therefore there is no defined standard</p>	<p>46.7%</p>
Lot Area	Required Width									
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>900m <sup>2</sup> - 1500m <sup>2</sup>	40%									
>1500m <sup>2</sup>	30%									
<p><b>Maximum floor area</b></p> <p><i>The total floor area of principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level</i></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Max Floor Area</th> </tr> </thead> <tbody> <tr> <td>450m<sup>2</sup> - 600m<sup>2</sup></td> <td>330m<sup>2</sup></td> </tr> <tr> <td>&gt;600m<sup>2</sup> - 900m<sup>2</sup></td> <td>380m<sup>2</sup></td> </tr> <tr> <td>&gt;900m<sup>2</sup></td> <td>430m<sup>2</sup></td> </tr> </tbody> </table>	Lot Area	Max Floor Area	450m <sup>2</sup> - 600m <sup>2</sup>	330m <sup>2</sup>	>600m <sup>2</sup> - 900m <sup>2</sup>	380m <sup>2</sup>	>900m <sup>2</sup>	430m <sup>2</sup>	<p>Resultant lots would have an area of less than 450m<sup>2</sup> and therefore there is no defined standard</p>	<p>179m<sup>2</sup></p>
Lot Area	Max Floor Area									
450m <sup>2</sup> - 600m <sup>2</sup>	330m <sup>2</sup>									
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>900m <sup>2</sup>	430m <sup>2</sup>									
<p><b>Maximum floor area for balconies, decks, patios, terraces and verandahs</b></p>	<p>12m<sup>2</sup></p> <p>For any balcony, deck, patio, terrace or verandah structure within 3m of a side or rear boundary <b>and</b> more than 2m above ground level (existing).</p>	<p>N/A</p>								
<p><b>Finished floor level for balconies, decks, patios, terraces and verandahs</b></p>	<p>The balcony, deck, patio, terrace or verandah must not have any point of its finished floor level—</p> <p>a) if it is located within 3 metres of a side, or the rear, boundary—more than 2 metres above ground level (existing), or</p>	<p>Complies</p>								

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	<p>b) if it is located more than 3 metres but not more than 6 metres from a side, or the rear, boundary—more than 3 metres above ground level (existing), or</p> <p>c) if it is located more than 6 metres from a side, or the rear, boundary—more than 4 metres above ground level (existing).</p>											
<b>Finished floor level for <u>detached</u> balconies, decks, patios, terraces and verandahs</b>	A detached deck, patio or terrace (including any alterations or additions to the deck, patio or terrace) must not have a floor level that is more than 600 millimetres above ground level (existing).	N/A										
<b>Building Height</b>	8.5m or height limit set by LEP, whichever is lesser	4m										
<b>Setbacks from roads, other than classified roads (primary frontage)</b>	Resultant lots would have an area of less than 450m <sup>2</sup> and therefore there is no defined standard	Located in rear yard										
<table border="1"> <thead> <tr> <th>Lot Area</th> <th>Setbacks</th> </tr> </thead> <tbody> <tr> <td>Where neighbouring dwellings within 40m of lot</td> <td>The average distance of the 2 adjoining dwellings</td> </tr> <tr> <td>450m<sup>2</sup> - 900m<sup>2</sup></td> <td>4.5m</td> </tr> <tr> <td>&gt;900m<sup>2</sup> - 1500m<sup>2</sup></td> <td>6.5m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>10m</td> </tr> </tbody> </table>	Lot Area	Setbacks	Where neighbouring dwellings within 40m of lot	The average distance of the 2 adjoining dwellings	450m <sup>2</sup> - 900m <sup>2</sup>	4.5m	>900m <sup>2</sup> - 1500m <sup>2</sup>	6.5m	>1500m <sup>2</sup>	10m		
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<p><b>Setbacks from roads, other than classified roads (secondary frontage)</b></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Setbacks</th> </tr> </thead> <tbody> <tr> <td>450m<sup>2</sup> - 600m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>&gt;600m<sup>2</sup> - 1500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>5m</td> </tr> </tbody> </table>	Lot Area	Setbacks	450m <sup>2</sup> - 600m <sup>2</sup>	2m	>600m <sup>2</sup> - 1500m <sup>2</sup>	3m	>1500m <sup>2</sup>	5m	<p>Resultant lots would have an area of less than 450m<sup>2</sup> and therefore there is no defined standard</p>	<p>N/A</p>		
Lot Area	Setbacks											
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>600m <sup>2</sup> - 1500m <sup>2</sup>	3m											
>1500m <sup>2</sup>	5m											
<p><b>Setbacks from roads, other than classified roads (parallel frontage)</b></p>	<p>3m</p>											
<p><b>Setbacks from classified roads</b></p>	<p>9m or any setback required under another EPI.</p>											
<p><b>Setbacks from side boundaries</b></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Setbacks</th> </tr> </thead> <tbody> <tr> <td>450m<sup>2</sup> - 900m<sup>2</sup></td> <td>0.9m</td> </tr> <tr> <td>&gt;900m<sup>2</sup> - 1500m<sup>2</sup></td> <td>1.5m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>2.5m</td> </tr> <tr> <td>For buildings with a height &gt;3.8m</td> <td>See criteria in SEPP</td> </tr> </tbody> </table>	Lot Area	Setbacks	450m <sup>2</sup> - 900m <sup>2</sup>	0.9m	>900m <sup>2</sup> - 1500m <sup>2</sup>	1.5m	>1500m <sup>2</sup>	2.5m	For buildings with a height >3.8m	See criteria in SEPP	<p>Resultant lots would have an area of less than 450m<sup>2</sup> and therefore there is no defined standard</p>	<p>1.5m</p>
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>1500m <sup>2</sup>	10m											
For buildings with a height >3.8m	See criteria in SEPP											

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<p><b>Landscaped area</b></p> <p><i>Landscaped area must be at least 2.5m wide and at least 50% of the landscaped area must be located behind the building line (i.e. not within the front setback).</i></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Max Floor Area</th> </tr> </thead> <tbody> <tr> <td>450m<sup>2</sup> - 600m<sup>2</sup></td> <td>20%</td> </tr> <tr> <td>&gt;600m<sup>2</sup> - 900m<sup>2</sup></td> <td>25%</td> </tr> <tr> <td>&gt;900m<sup>2</sup> - 1500m<sup>2</sup></td> <td>35%</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>45%</td> </tr> </tbody> </table>	Lot Area	Max Floor Area	450m <sup>2</sup> - 600m <sup>2</sup>	20%	>600m <sup>2</sup> - 900m <sup>2</sup>	25%	>900m <sup>2</sup> - 1500m <sup>2</sup>	35%	>1500m <sup>2</sup>	45%	<p>25%</p>	<p>31%</p>
Lot Area	Max Floor Area											
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>1500m <sup>2</sup>	45%											
<p><b>Principal private open space</b></p> <p><i>Principal private open space may be shared by both the principal dwelling and secondary dwelling and may be in the form of a balcony or deck.</i></p> <p><i>Principal private open space must be:</i></p> <ul style="list-style-type: none"> <li>a) <i>directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</i></li> <li>b) <i>more than 4m wide</i></li> <li>c) <i>not have a gradient steeper than 1:50</i></li> </ul>	<p>24m<sup>2</sup></p> <p><i>Note – This is 24m<sup>2</sup> POS total and can be combined/shared with the POS for the principal dwelling.</i></p>	<p>complies</p>										
<p><b>8 Ancillary Structures and Non-Habitable Structures on Vacant Land</b></p>												
<p>N/A – The application is for a new dwelling / alterations and additions to an existing dwelling and does not propose the construction of a any ancillary structures.</p>												

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**Appendix B – 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**

**5.1.1 Minimum Lot Size**

<b>Zone</b>	R1 General Residential	
<b>Lot size</b>	765m <sup>2</sup>	
<b>Is the site connected to reticulated sewer?</b>	Yes	
	<i>Acceptable Solution</i>	<i>Proposed</i>

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<b>Minimum Lot Size Required for Dual Occupancies</b>	<b>Development Type</b>	<b>Lot Size Required</b>	<b>Development Type</b>	<b>Lot Size</b>
	Dual Occupancy (attached)	500m <sup>2</sup>	Dual Occupancy (attached)	765m <sup>2</sup>
	Dual Occupancy (detached)	700m <sup>2</sup>		
	Dual Occupancy in R3 zone	<800m <sup>2</sup>		
<b>5.1.2 Density</b>				

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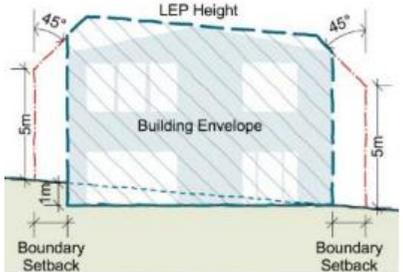
<b>Development Type</b>	Dual Occupancy (attached)			
<b>Zone</b>	R1 General Residential			
	<b>Acceptable Solution</b>		<b>Proposed</b>	
<b>Floor Space Ratio or Gross Floor Area</b>	<b>Lot Size</b>	<b>FSR or GFA</b>	<b>Lot Size</b>	<b>Lot Size</b>
	<1000m <sup>2</sup>	FSR = 0.5:1	<1000m <sup>2</sup>	FSR = 0.5:1
	>1000m <sup>2</sup> - 2ha	GFA = 500m <sup>2</sup>		
	>2ha (in rural and environmental areas)	GFA = 600m <sup>2</sup>		
<b>5.1.3 Building Envelope, Heights and Setbacks</b>				

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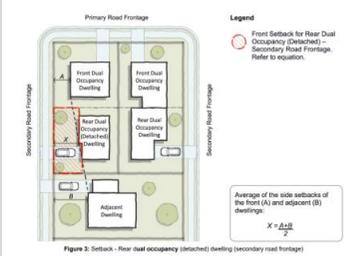
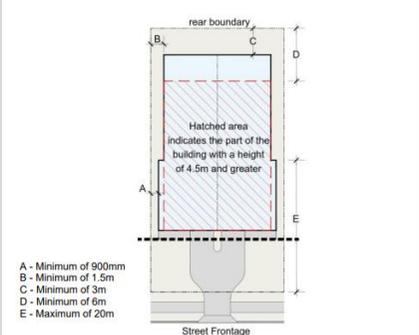
**Table 2: Setbacks for dual occupancy development in the R1, R2, R3 and RU5 Zones**

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 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 5m to dwellings.</li> <li>• 4m to verandahs, patios and awnings.</li> </ul> <p>Lots 600m<sup>2</sup> - 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 6m to dwellings.</li> <li>• 5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 7.5m to dwellings.</li> <li>• 6.5m to verandahs, patios and awnings.</li> </ul> <p><b>Note:</b> 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"> <li>• Average of the setbacks of the front and adjacent dwelling (calculation at <b>Figure 3</b>) or 5m, whichever is the lesser.</li> </ul> <p>Dual occupancy (attached):</p> <ul style="list-style-type: none"> <li>• 3m to the dwelling.</li> <li>• 5.5m to garages.</li> </ul>	<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 <b>Figure 4</b>).</p> <p>Where the above does not apply, 1.5m to any other part of the dwelling (refer to <b>Figure 4</b>).</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"> <li>• 3 metres to dwelling.</li> <li>• 1.5 metres for rear dwelling on a corner lot.</li> <li>• 900mm to detached non-habitable outbuildings.</li> </ul> <p>Multiple storey development (greater than 4.5 m in height): 6m. (Refer to <b>Figure 4</b>).</p> <p>1.5m to the front dwelling in a one behind the other arrangement.</p>	<p>7.5m.</p>

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	<b>Acceptable Solution</b>	<b>Proposed</b>												
<b>Building Envelope</b>	 <p>Figure 2: Building envelope</p>	The proposed buildings are wholly contained within the building envelope.												
<b>Building height (peak building height)</b>	8.5m	7m												
<b>Front setback</b>	<table border="1"> <thead> <tr> <th></th> <th><b>Setback</b></th> </tr> </thead> <tbody> <tr> <td><b>To verandahs, awnings and patio</b></td> <td>5m</td> </tr> <tr> <td><b>To dwellings</b></td> <td>6m</td> </tr> </tbody> </table>		<b>Setback</b>	<b>To verandahs, awnings and patio</b>	5m	<b>To dwellings</b>	6m	<table border="1"> <thead> <tr> <th></th> <th><b>Setback</b></th> </tr> </thead> <tbody> <tr> <td><b>To verandahs, awnings and patio</b></td> <td>5m</td> </tr> <tr> <td><b>To dwellings</b></td> <td>7m</td> </tr> </tbody> </table>		<b>Setback</b>	<b>To verandahs, awnings and patio</b>	5m	<b>To dwellings</b>	7m
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	<b>Setback</b>													
<b>To verandahs, awnings and patio</b>	5m													
<b>To dwellings</b>	7m													
<b>Predominant building line setback</b>	N/A													
<b>Garage setback to primary road frontage</b>	Garages should be setback a further 1m behind the front building line.	Garage setback = 0.5m Garages have been suitably integrated into the building design. Garage-dominated architecture is avoided. Considered to comply												

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<p><b>Secondary road frontage</b></p> <p>Note: for detached dual occupancies refer to figure below.</p>  <p>Figure 3: Setback - Rear dual occupancy (detached) dwelling (secondary road frontage)</p>																						
<p><b>R1, R2, R3 &amp; RU5 Zones</b></p> <p><b>Side setback(s)</b></p>  <p>Figure 4: Setbacks to dual occupancies</p>	<table border="1"> <thead> <tr> <th></th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td><b>Building walls &lt;4.5m within 20m of front property boundary</b></td> <td>0.9m</td> </tr> <tr> <td><b>Building walls &lt;4.5m greater than 20m of front property boundary</b></td> <td>1.5m</td> </tr> <tr> <td><b>Building walls &gt; 4.5m</b></td> <td>1.5m</td> </tr> <tr> <td><b>Non-habitable outbuildings</b></td> <td>0.9m</td> </tr> </tbody> </table>		Setback	<b>Building walls &lt;4.5m within 20m of front property boundary</b>	0.9m	<b>Building walls &lt;4.5m greater than 20m of front property boundary</b>	1.5m	<b>Building walls &gt; 4.5m</b>	1.5m	<b>Non-habitable outbuildings</b>	0.9m	<table border="1"> <thead> <tr> <th></th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td><b>Building walls &lt;4.5m within 20m of front property boundary</b></td> <td>1m</td> </tr> <tr> <td><b>Building walls &lt;4.5m greater than 20m of front property boundary</b></td> <td>1.5m</td> </tr> <tr> <td><b>Building walls &gt; 4.5m</b></td> <td>1.9m</td> </tr> <tr> <td><b>Non-habitable outbuildings</b></td> <td>N/A</td> </tr> </tbody> </table>		Setback	<b>Building walls &lt;4.5m within 20m of front property boundary</b>	1m	<b>Building walls &lt;4.5m greater than 20m of front property boundary</b>	1.5m	<b>Building walls &gt; 4.5m</b>	1.9m	<b>Non-habitable outbuildings</b>	N/A
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<b>Building walls &gt; 4.5m</b>	1.9m																					
<b>Non-habitable outbuildings</b>	N/A																					

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<b>Rear setback</b>		<b>Setback</b>		<b>Setback</b>
	<b>Building walls &lt;4.5m</b>	3m	<b>Building walls &lt;4.5m</b>	complies
	<b>Building walls &gt;4.5m</b>	6m	<b>Building walls &gt;4.5m</b>	complies
	<b>Rear setbacks on corner blocks</b>	1.5m	<b>Rear setbacks on corner blocks</b>	N/A
	<b>Non-habitable outbuildings</b>	0.9m	<b>Non-habitable outbuildings</b>	N/A
	<b>Rural setback</b>	7.5m	<b>Rural setback</b>	N/A
<b>Single storey construction?</b>	<ul style="list-style-type: none"> <li>For dual occupancies (detached), the dwelling furthest from the street (or adjacent to a side street for a corner lot) shall be of single storey construction unless it can be demonstrated that there will be no adverse amenity impacts (i.e. overlooking and overshadowing).</li> <li>For dual occupancy development on a battle-axe lot, both dwellings are to be of single storey construction.</li> </ul>		N/A – The proposal does not involve the construction of a dual occupancy on a battle-axe lot or where one occupancy is located behind the other.	
<b>5.1.4 Landscaping</b>				
<b>Total landscaped area provided</b>		240m <sup>2</sup> (31% of site area)		

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	<b>Acceptable Solution</b>	<b>Proposed</b>
<p><b>Deep soil landscaped area:</b></p> <ul style="list-style-type: none"> <li>• Minimum dimension of 3m in any direction</li> <li>• Is not fragmented by sub-surface drainage infrastructure</li> <li>• Is provided with an automated watering system</li> </ul>	10% of site area	15% of the site has been provided as deep soil landscaping.
<p><b>Additional landscaped area:</b></p> <ul style="list-style-type: none"> <li>• Minimum dimension of 1.5m in any direction</li> <li>• Can include permeable surfaces, such as gravel, mulch, turf or similar.</li> </ul> <p><i>Note: This additional landscaped area does not include any "formal landscaping" areas as identified above.</i></p> <p><i>Note: Carparking, vehicle access, storage, clothes drying and water tank areas are not to be included as landscaped areas.</i></p>	20% of site area	A further 16% of the site in addition to the deep soil landscaped area has been provided as permeable landscaped area. Total landscaping is 31% of the site which is compliant (10% deep soil + 20% additional landscaping)
<b>Front setback landscaping</b>	At least 35% of the front setback is to be landscaped.	At least 35% of the front setback is landscaped.
<b>Is proposed landscaping appropriate?</b>	Yes	

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5.2 Siting the Development	
5.2.1 Local Character and Context	
<i>Is the development compatible with the neighbourhood character?</i>	Yes
<i>Is the development sympathetic to nearby heritage items and heritage conservation areas?</i>	N/A
<i>Is the development considered appropriate with regard to visual amenity and views from adjoining residences and the public domain?</i>	Yes
<i>Does the development avoid clustering of dual occupancy or multi dwelling housing development?</i>	Yes
5.2.2 Orientation and Siting	
<i>Does the proposal adequately respond to the constraints and opportunities of the site?</i>	Yes
<i>Does the proposal provide opportunities for passive surveillance and appropriately orientate entrances and windows to the street frontage?</i>	Yes
<i>Where a dual occupancy is located on a corner lot does one dwelling face the primary frontage and one dwelling face the secondary frontage?</i>	N/A
5.2.3 Vehicle and Pedestrian Access	
<i>Is pedestrian access to the dwellings appropriate?</i>	Yes
<i>Are dual occupancies serviced by a single shared driveway access crossover?</i>	No

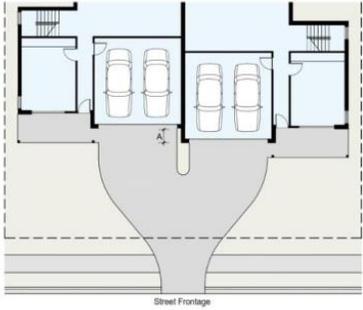
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<i>Is the shared driveway crossover for dual occupancy development a maximum 3m width?</i>	N/A
<i>Are driveways setback at least 0.5m from property boundaries?</i>	Yes
<i>Does the development and driveways avoid a gun-barrel effect?</i>	Yes
<i>Can an appropriate driveway grade and transitions be achieved?</i>	Yes
<i>Are driveways sited to maximise opportunities for on-street parking?</i>	Yes
<i>Are sight lines adequate?</i>	Yes
<b>5.3 Amenity</b>	
<b>5.3.1 Building Separation and Visual/Acoustic Privacy</b>	
<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>	Yes
<b>5.3.2 Solar and Daylight Access</b>	
<i>Does the development will maintain at least 3 hours of direct sunlight between 9am and 3pm on June 21<sup>st</sup> to at least 10m<sup>2</sup> 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>	Yes
<i>Does the development respond to solar opportunities of the site to encourage energy efficiency?</i>	Yes

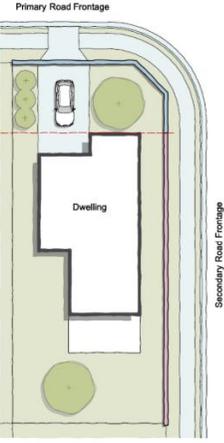
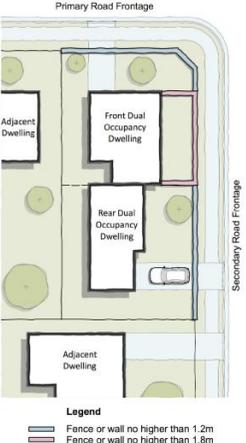
Section 4.15 Assessment Report

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>	<p>A17.1 – The minimum required private open space area is provided.</p> <p>A17.2 – Direct Access is provided via living area.</p> <p>A17.3 – Minor non-compliance with Acceptable Solution. A performance-based solution has been considered in Appendix C below.</p> <p>A17.4/5 – Not Applicable – principal POS has been provided.</p>
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>	<p>The proposed development provides one parking space internally in each dwelling's garage with a second tandem parking space for each dwelling in front stacked on the driveway. Adequate area is available on the driveway to provide stacked parking and as Beach St is not a heavily trafficked street, the stacked parking arrangement is considered adequate. The stacked parking arrangement does not impede access to or compromise other parking spaces for the other dwelling.</p>
5.4 Configuration and Design	
5.4.1 Building Form, Design and Materials	

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<p><i>Is the proposed building appropriately designed and articulated, and is it sympathetic the existing character of the area?</i></p>	<p>Yes</p>
<p><i>Are proposed colours and materials appropriate?</i></p>	<p>Yes</p>
<p><i>Is the cumulative width of garage doors facing a street frontage less than 50% of the total building façade?</i></p>	<p>Yes</p>
<p><i>Where double garages are side by side is one of the garages stepped back at least 1m from the other (see Figure 10)?</i></p>  <p>A - Minimum of 1m Street Frontage</p> <p><b>Figure 10: Example of indented side-by-side double garages</b></p>	<p>N/A</p>
<p><b>5.4.2 Fences and Walls</b></p>	
<p><i>Are front fences and fences within the secondary frontage of an appropriate height (see figures 11 &amp; 12 below), style and material?</i></p>	<p>Yes</p>

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 <p><b>Figure 11:</b> Primary and secondary frontages for fencing</p>	 <p><b>Figure 12:</b> Fencing for dual occupancy development on a corner lot</p>
<p><b>5.4.3 Universal Design</b></p>	
<p><i>Has the proposed has considered the principles of universal design?</i></p>	<p>N/A</p>
<p><b>5.5 Environment</b></p>	
<p><b>5.5.1 Water Management and Conservation</b></p>	
<p>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.</p>	

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<b>5.5.2 Servicing</b>	
<i>Are all relevant services available to the development?</i>	Yes
<b>5.5.3 Waste Management</b>	
<i>Are appropriate bin storage and kerbside collection areas available for each dwelling?</i>	Yes
<b>6 Residential Flat Buildings and Shop Top Housing</b>	
N/A	
<b>7 Housing for Seniors or People with a Disability</b>	
N/A	
<b>8 Boarding Houses, Group Homes and Hostels</b>	
N/A	

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**Appendix C – 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 A17.3 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.*

Where the private open space of a dwelling is provided at the ground level, it shall:

- Include a defined hardstand area (e.g. concrete, paving, decking) of usable space which:
  - Is setback at least 1.2m from an external boundary.
  - Has a minimum dimension of 5m x 4m, of which 50% shall be covered to provide protection from the elements.
- Have a minimum dimension of 2m for all other areas.
- Have a gradient no steeper than 1:20.
- Be adequately screened to provide privacy to residents.
- Not be wet for prolonged periods following rainfall.

**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, m<sup>2</sup> etc.) and also the percentage (%) departure from the acceptable solution.*

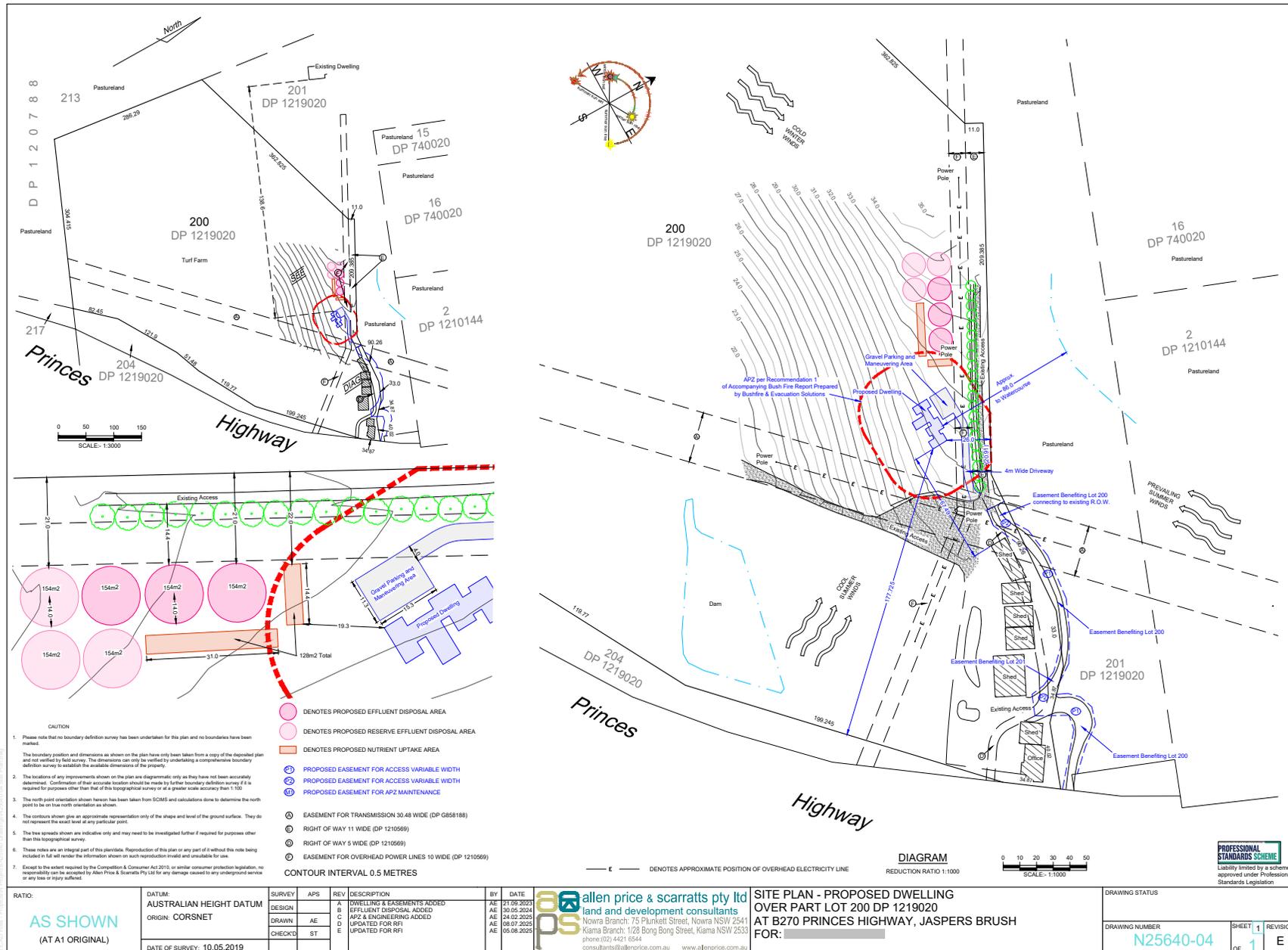
<b>Acceptable Solution</b>	<b>Numerical Standard</b>	<b>Proposed Solution</b>	<b>Numerical Departure</b>	<b>% Departure</b>
A17.3	Minimum dimensions – 5m x 4m (20m <sup>2</sup> )	5.78m x 3.3m (19.074m <sup>2</sup> )	0.926m <sup>2</sup>	4.63%

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<p><b>Unique circumstances as to why a departure from the acceptable solutions is being sought</b></p> <p><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>	
<p><b>Demonstrate how the relevant objectives and performance criteria are being met with the performance-based solution</b></p>	
<p><i>Objective</i></p> <p><i>Insert snip of relevant objective from DCP</i></p>	<p><i>Commentary</i></p>
	<p>The proposed performance-based solution is consistent with the objectives of the development controls.</p>
<p><i>Performance Criteria</i></p> <p><i>Insert snip of relevant performance criteria from DCP</i></p>	<p><i>Commentary</i></p> <p><i>Detail how the proposed departure from the acceptable solution will still comply with the relevant performance criteria.</i></p>
<p><b>Demonstrate how the development will not have any adverse impacts as a result of the performance-based solution</b></p> <p><i>Provide commentary demonstrating how the proposed departure from the acceptable solution will not result in an adverse impact.</i></p>	

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**Appendix D – Assessment of Clause 4.6 Variation**



## Clause 4.6 Variation Statement

Variation to Clause 4.2D – Erection of dual occupancies  
(attached) and dwelling houses on land in certain rural,  
residential and conservation zones

PREPARED FOR

SITE ADDRESS

B270 Princes Highway, Jaspers Brush

DATE

5/05/2025

PROJECT REFERENCE

N25640

# Allen Price

CL26.56 - Attachment 2



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Initial.	Rev	Date	Details
AE	0	05.05.2025	Initial Issue



## 1.0 - INTRODUCTION

This Clause 4.6 Statement has been prepared by Allen Price on behalf of Gavin Rogers in support of a Development Application (DA) for a proposed dwelling and ancillary driveway access on Lot 200 DP1219020 – B 270 Princes Highway Jaspers Brush. It is submitted to Shoalhaven City Council (Council) and relates to the proposed variation of the minimum lot size development standard that applies to the land pursuant to Clause 4.2D(3) the Shoalhaven LEP 2014 (LEP).

This subject DA proposes to:

- Construct a new dwelling and ancillary driveway access on the land.

This subject application seeks consent for construction of a dwelling house on land located within the RU1 zone on an allotment with an area of 23.25ha. This represents a 41% variation to the 40ha required pursuant to Clause 4.2D(3)(a) of Shoalhaven LEP 2014 .

Clause 4.6 of the Shoalhaven LEP 2014 enables Council as the consent authority to grant consent for development even though the development contravenes a development standard. Clause 4.6 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

The consent authority's satisfaction in respect of those matters must be informed by the objectives of Clause 4.6, which are to provide an appropriate degree of flexibility in the application of the relevant controls and to achieve better outcomes for and from the development in question by allowing flexibility in particular circumstances.

The Land and Environment Court has established a set of factors to guide assessment of whether a variation to development standards should be approved. The original approach was set out in the judgment of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council [2001] 130 LGERA 79* in relation to variations lodged under the former State Environmental Planning Policy 1 – Development Standards (SEPP 1). This approach was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)*.

While these cases referred to SEPP 1, the analysis remains relevant to the application of Clause 4.6(3) of the Kiama LEP 2011. Further guidance on Clause 4.6 of the Standard Instrument has been provided by the Land and Environment Court in a number of decisions, including:

- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;*
- *Turland v Wingecarribee Shire Council [2018] NSWLEC 1511;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;*
- *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386; and*
- *Moskovich v Waverley Council [2016] NSWLEC 1015.*

Clause 4.2D(3) is contained in Part 4 of the Shoalhaven LEP 2014 . This part of the LEP is titled "Principal Development Standards". This clause is therefore a development standard and open to a written request made pursuant to Clause 4.6.

This written request provides justification that the "minimum lot size" development standard detailed in the provisions of Clause 4.2D(3) may be contravened by the grant of development consent because strict compliance with the provisions of this clause, under the specific circumstances associated with this case, would be unreasonable and unnecessary; that there are environmental planning grounds to justify the contravention of this development standard; and that the proposal is in the public interest.

This Clause 4.6 variation has been prepared in accordance with the Department of Planning & Environment (DPE) "Guide to Varying Development Standards" (November 2023). This request should be read in conjunction with the Statement of Environmental Effects (SEE) and other supporting documentation submitted with this development application.

# AP

## 2.0 - SITE AND PROPOSED DEVELOPMENT

### 2.1 SITE DESCRIPTION

B270 Princes Highway, Jaspers Brush (Figure 1), is located on the Western side of the Princes Highway. The site is irregular in shape and has an area of approximately 23.25ha.

The site is located within Jaspers Brush and approximately 3km south of the Berry CBD. Figure 1 (below) provides a locality plan of the site.



Figure 1: Aerial Image of Site (Source: Six/Near Maps)

The lot is currently used as part of a turf farming operation and comprises of a site office / showroom and a number of metal sheds clustered within the northeast corner of the lot, totaling approximately 1700m<sup>2</sup> of the site. The remainder of the lot consists of turf farming fields. The site is accessed directly from the Princes Highway, with new access established in conjunction with the recent upgrade works. The site has a network of established gravel tracks that allow for all weather access across the lot.

The site is undulating with a general slope towards the south of the site. Topography ranges from approximately RL 40 m AHD down to approximately RL 19 m AHD. There are no significant stands of native vegetation on the site, existing vegetation is limited to pockets around the man made dams and rows of trees along the network of access tracks.

# AP

## 2.2 SITE HISTORY

APS has undertaken an examination of relevant subdivision history including review of historic changes to lot boundaries; land zoning and planning controls under Shoalhaven LEP 2014, Shoalhaven LEP 1985, and the Interim Development Order No 1—Shire of Shoalhaven.

Based on our consideration of the Interim Development Order No 1—Shire of Shoalhaven, the Laurel Grove part of the land holding related to Portion 233 DP6131 which was 27.01 ha (or 66.7 acres) on 28 February 1964 and was therefore eligible for two dwelling entitlements.

On 2 April 1996 Council resolved to support a Development Application (SF8109) for the creation of two concessional lots at Laurel Grove (then Lot 43 DP250662 - now Lot 30 DP1219111 and Lot 200 DP1199983) on the basis that the lots be located to the western side of the Princes Highway (Appendix B). This was in lieu of developing concessional allotments on the eastern side of the highway which were on land located too close to the railway line on productive agricultural land. This DA was withdrawn on 22 April 1996 on the understanding that the 2 concessional lots be transferred to Lot 42 DP250662 at Hillview Park (now Lots 200 and 201 DP1219020) as part of the "Rural Plan Amendment" (Amendment 127). However, due to uncertainty regarding the concurrence of the Department of Planning for transferring rural dwelling entitlements to land under separate ownership, the then client (O'Keeffe) chose not to proceed.

Since withdrawal of SF8109, the following change in circumstances have occurred on the land holding which form a significant justification for now transferring the dwelling entitlement:

- 1) July 2002 - Ownership of Hillview Park (present day Lots 200 and 201 DP1219020) at B270 Princes Highway transferred from O'Keeffe to Rogers family;
- 2) August 2014 - The approval of SF10359 permitted 1 x concessional lot with a dwelling at Laurel Grove on Lot 43 DP250662 (now Lot 30 DP1219111 and Lot 200 DP1199983) despite being on the eastern side of the highway on more productive agricultural land closer to railway;
- 3) February 2015 - Ownership of Laurel Grove (Lot 30 DP1219111 parcel) from O'Keeffe to Rogers family (son Marcus Rogers - TurfCo Shareholder); and
- 4) April 2016 - Road acquisition for Princes Highway upgrade under DP1219020 facilitated the construction of an underpass between Hillview Park at B270 Princes Highway, and Laurel Grove at 17 O'Keeffes Lane.

Despite 1 x rural dwelling entitlement being achieved under SF10359 in 2014, the gazettal of Amendment 127 to Shoalhaven LEP 1985 in 1999 as part of the Rural Plan removed the 2 concessional lot entitlements that Council supported in its 1996 resolution. As far as we are aware, this 1996 resolution still stands. Whilst it could be said that two of these concessional lots have been erected with the establishment of the concessional lot under SF10359, this would still leave one concessional lot that would be available had it not been taken away by the gazettal of Amendment 127.

AP



Figure 2: Portion 233- 1964 Ownership Maps for Berry Locality (Source: AP)

### 2.3 PROPOSED DEVELOPMENT

The subject development application seeks consent to:

- Construct a new single storey, three bedroom dwelling with a façade of cladding and metal roofing. Establishment of on-site effluent disposal and bush fire protection measures. It will also incorporate informal landscaping within the curtilage of the dwelling and ancillary access to the Princes Highway.

The proposed dwelling has been designed and located to promote the existing and continued use of the site for viable agricultural activities, based on an exhaustive site selection process that considered flood behavior on the land, retention and minimal impact upon productive agricultural lands, minimizing the construction of additional access on the site and clustering of the development with existing site infrastructure.

The development application is supported by architectural drawings prepared by Craig Johnson Design.



### 3.0 – THE DEVELOPMENT STANDARD & NATURE OF NON- COMPLIANCE

#### 3.1 CLAUSE 4.6 OF SHOALHAVEN LEP 2014

Clause 4.6 of the Shoalhaven LEP 2014 states:

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

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied 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.*

*Note—*

*The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

*(4) The consent authority must keep a record of its assessment carried out under subclause (3).*

*(5) (Repealed)*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

*(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

*Note.*

*When this Plan was made it did not include all of these zones.*

*(7) (Repealed)*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following—*

*(a) a development standard for complying development,*

*(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*

## AP

- (ba) clause 4.1E, to the extent that it applies to land in a rural or conservation zone,
- (bb) clause 4.2B,
- (c) clause 5.4,
- (caa) clause 5.5,
- (ca) clause 6.2,
- (cb) clause 7.25,
- (cc) clause 4.1H.

### 3.2 CLAUSE 4.6 AND ITS USE

Clause 4.6 of the SLEP 2014 provides for an appropriate degree of flexibility in applying certain development standards and aims to achieve better outcomes to and from development by allowing flexibility where strict compliance can be shown to be unreasonable or unnecessary in the circumstances of the case; and where there are sufficient environmental planning grounds to justify contravening the development standard.

Before applying the discretionary power of Clause 4.6 the consent authority must be satisfied that the standard for which the departure is sought is a "development standard" and not a matter which would prohibit the proposal.

Part 4 of the SLEP 2014 contains the *Primary Development Standards* of the LEP.

A development standard is defined within Section 1.4 of the EP&A Act.

*"Development standard" means provisions of an environmental planning instrument 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 -*

- (1) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or works, or the distance of any land, building or work from any specified point;*
- (2) *the proportion or percentage of the area of a site which a building or work may occupy;*
- (3) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work;*
- (4) *the cubic content or floor space of a building;*
- (5) *the intensity or density of the use of any land, building or work;*
- (6) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment;*
- (7) *the provision of facilities for the standing, movement, parking, servicing manoeuvring, loading or unloading of vehicles;*
- (8) *the volume, nature and type of traffic generated by the development;*
- (9) *road patterns;*
- (10) *drainage;*
- (11) *the carrying out of earthworks;*
- (12) *the effects of the development on patterns of wind, sunlight, daylight or shadows;*
- (13) *the provision of services, facilities and amenities demanded by the development;*
- (14) *the emission of pollution and means for its prevention or control or mitigation; and*

## AP

(15) such other matters as may be prescribed.

Clause 4.2D(3) prescribes that development consent must not be granted for the erection of a dwelling house on a lot that is less than the minimum lot size specified for that land, where no prior dwelling has been erected or is being replaced. Such would comprise a development standard having regard to item (l) above as it applies to the “area” of the land.

Furthermore, Commissioner Espinosa provided clear guidance, within *Sharp v Kiama Municipal Council [2024] NSWLEC 1360*, that the equivalently worded Clause 4.2A(3)(a) in the Kiama LEP2011 is indeed a development standard, not a prohibition and upheld a written request pursuant to cl4.6 to justify contravention of the clause.

As a development standard, consideration of this clause is therefore open to a written requests made pursuant to Clause 4.6.

Further, prior to issuing development consent to a development that contravenes a development standard pursuant to Clause 4.6, a consent authority must also be satisfied that an Applicant has demonstrated:

- that compliance with that development standard is unreasonable or unnecessary in the circumstances [Clause 4.6(3)(a)]; and
- that there are sufficient environmental planning grounds to justify contravening the development standard [Clause 4.6(3)(b)].

3.3 INITIAL ACTION PTY LTD V WOOLLAHARA MUNICIPAL COUNCIL [2018] NSWLEC 18  
Preston CJ in *Initial Action Pty Ltd v Woollahara Municipal Council [2018] NSWLEC 118* (“*Initial Action*”) provides an informative instruction with the approach to making a written request under Clause 4.6 for the grant of development consent in contravention of a development standard.

As outlined in Section 4.1 above Clause 4.6(4)(a)(i) requires the written request to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). The written request must demonstrate the following matters:

- firstly, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a)); and
- secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

As to the first matter, Clause 4.6(3)(a), Preston CJ in “*Initial Action*” summarises common ways an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary by referencing his findings in *Wehbe v Pittwater Council [2007] NSWLEC 827* (“*Wehbe*”). Although the decision in *Wehbe* was in the context of an objection under *State Environmental Planning Policy No. 1 – Development Standards* to compliance with a development standard, according to Preston CJ the discussion is equally applicable to a written request under Clause 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.

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In *Wehbe*, Preston provided a “five-part test” for consent authorities to consider when assessing a proposal that seeks to vary a development standard as follows:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard.
2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. the development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Preston CJ notes that the above five tests are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. Preston CJ states “*An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*”

The second leg of Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify contravening the development standard. Preston CJ in *Initial Action* notes that ‘environmental grounds’ are not defined but would “*refer to ground that relate to the subject matter, scope and purpose of the EP & A Act, including the objects in S.1.3 of the Act.*” Environmental grounds would, by inference, include the Aims of the ELEP 2012 outlined in Clause 1.2(2).

According to Preston CJ (at par 24 in *Initial Action*) the environmental planning grounds relied on in the written request under Clause 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of Clause 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.

The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promoting the benefits of carrying out the development as a whole.

## AP

### 3.4 DEPARTMENT OF PLANNING AND ENVIRONMENT GUIDELINES

The Department of Planning Housing and Infrastructure (DPHI) have prepared a “*Guide to Varying Development Standards*” (November 2023) (“the Guide”). Part A of the Guide clarifies requirements for preparing, assessing and determining requests to vary development standards. It aims to:

- explain the tests in clause 4.6 of the Standard Instrument LEP;
- clarify how to prepare and assess a variation request, including applying the tests;
- identify the circumstances in which clause 4.6 does and does not apply.

Section 3 of the Guide addresses how to prepare a Variation Request that would satisfy the requirements of Clause 4.6.

Clause 35B of the EP&A Regulation explicitly requires a development application to be accompanied by a document (the written request) that sets out the grounds on which an applicant seeks to demonstrate that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances.
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

The written request is a standalone document lodged with the DA. In summary the Guide specifies that the written request should:

- identify the development site.
- describe the proposed development.
- note the relevant environmental planning instrument and zoning of the site.
- identify the development standard that the applicant is seeking to vary.
- identify aspects of the proposed development that contravene the development standard (including where there is more than one aspect of a development that contravenes the development standard), including:
  - where these aspects occur or are located within the site
  - the extent of variation associated with each.
- include an assessment of the proposed variation against the relevant tests in clause 4.6(3)(a) and (b).

This Written Request made pursuant to Clause 4.6 has been prepared having regard to the contents of the Guide.

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## 3.5 DEVELOPMENT STANDARD BEING VARIED & NON-COMPLIANCE NATURE

The relevant Local Environmental Plan sought to be varied is the Shoalhaven LEP 2014

The site is zoned RU1 Primary Production under the Shoalhaven LEP 2014 (Figure 4, below) and dwelling houses are permissible in the RU1 Zone.

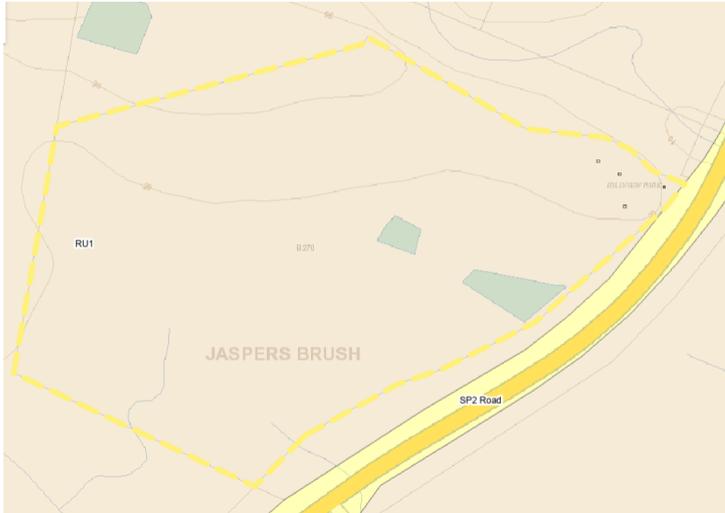


Figure 3: Land Zone Map (Source: NSW Planning Portal Spatial Viewer).

The development standard sought to be varied is Clause 4.2D of the Shoalhaven LEP 2014. The accompanying lot size map provides that the subject site is identified as being mapped with a minimum lot size of 40 ha (Figure 5, below).

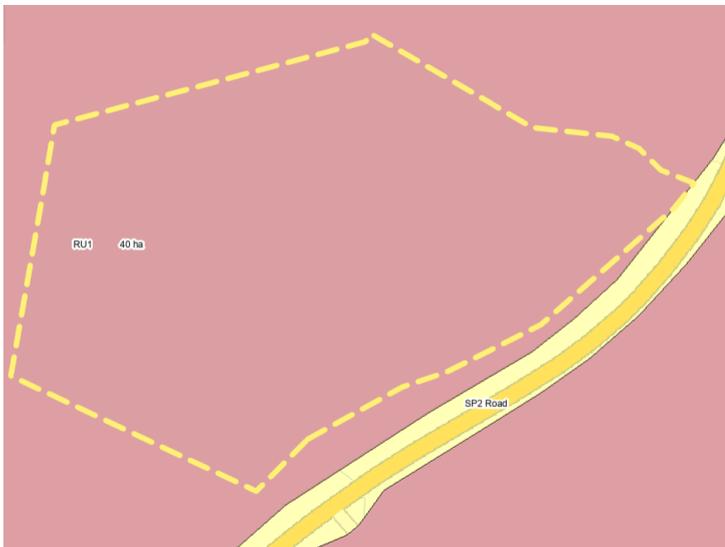


Figure 4: LEP Mapping (Source: NSW Planning Portal Spatial Viewer).

# AP

This subject application seeks consent for construction of a dwelling house on land located within the RU1 zone on an allotment with an area of 23.25ha. This represents a 41% variation to the 40ha required pursuant to Clause 4.2D(3)(a) of Shoalhaven LEP 2014 .

## 4.0 – JUSTIFICATION FOR THE PROPOSED VARIATION

Clause 4.6 of the Shoalhaven LEP 2014 provides Council with the flexibility to assess and determine DAs which do not strictly comply with development standards.

Section 1.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) lists the items (not limited to) that are considered to be development standards and are listed below.

- 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,
- b) the proportion or percentage of the area of a site which a building or work may occupy,
- c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- d) the cubic content or floor space of a building,
- e) the intensity or density of the use of any land, building or work,
- f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- h) the volume, nature and type of traffic generated by the development,
- i) road patterns,
- j) drainage,
- k) the carrying out of earthworks,
- l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- m) the provision of services, facilities and amenities demanded by development,
- n) the emission of pollution and means for its prevention or control or mitigation, and
- o) such other matters as may be prescribed.

Accordingly, we set out below the justification for a departure to the minimum lot size development standard applicable under Clause 4.2D(3)(a)- Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones of the Shoalhaven LEP 2014 .

Clause 4.6 of Shoalhaven LEP 2014 provides for a variation to a development standard under certain circumstances. The objectives of Clause 4.6 (l) are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

These elements which must be satisfied under Clause 4.6 are jurisdictional, that is if a proposal does not meet all of these requirements, development consent cannot be granted by the consent authority. This report demonstrates that both these prerequisite elements are demonstrated by this report and consent can be granted by Council.

## AP

### 4.1 CLAUSE 4.6(1)(A)

*Provide an appropriate degree of flexibility in applying certain development standards to particular development*

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, Clause 4.6(3) requires that the consent authority consider a written request from the Applicant, which demonstrates that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

This report seeks to provide the written request document setting out the grounds on which to demonstrate that the matters outlined in paragraphs (a) and (b) are met.

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. However, it was not suggested that the types of ways were a closed class.

While *Wehbe* related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under Clause 4.6 where subclause 4.6(3)(a) uses the same language as Clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

As the language used in subclause 4.6(3)(a) of the Kiama LEP 2011 is the same as the language used in Clause 6 of SEPP 1, the principles contained in *Wehbe* are of assistance to this Clause 4.6 variation request.

The five methods outlined in *Wehbe* include:

- 1) The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- 2) The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- 3) The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- 4) The development standard has been virtually abandoned or destroyed by the Council's of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- 5) The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Of particular assistance in this matter in establishing that compliance with a development standard is unreasonable or unnecessary is 'Method 1' and 'Method 4'.

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## 4.2 ASSESSMENT OF PROPOSED VARIATION TO CLAUSE 4.2D(3) UNDER 'METHOD 1'

*The underlying objectives or purposes of the development standard are achieved notwithstanding non-compliance with the standard.*

The objectives in 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones have been considered in Table 1.

Table 1: Objectives 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones

Objective	Response
(a) to minimise unplanned rural residential development,	<p>The SLEP 2014 does not define what is meant by Clause 4.2D(1)(a) by the term “unplanned rural residential development”.</p> <p>In this regard it should be noted that Espinosa C outlined in <i>Sharp v Kiama Municipal Council [2024] NSWLEC 1360</i>, a planned outcome can be in accordance with the provisions of the LEP, and those provisions include development standards which may be contravened provided that the contravention is justified pursuant to the terms of cl 4.6 of the LEP.</p> <p>Unplanned rural residential development occurs when the existing and continued viability of rural land is eroded by residential development that reduces the area of rural land, limits clear opportunities for amalgamation of larger rural land holdings, and detracts from rural uses due to potential rural residential conflict.</p> <p>With reference to subclause (a), the plan (Shoalhaven LEP 2014) commenced on 8 April 2014. As evident in the “Site History” section of this submission, Portion 233 of DP6131 was created prior to 8 April 2014 (Shoalhaven LEP 2014 commencement) and is therefore “a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement”. Whilst two dwellings were subsequently been erected on Portion 233, concessional lot entitlements that applied under the Shoalhaven LEP 1985 prior to the gazettal of the “Rural Plan” in 1999 (Amendment 127). Prior to the gazettal of Amendment 127, the subject holding enjoyed an entitlement that would have enabled the creation of three concessional lots and one residue lot. Whilst it could be said that two of these concessional lots have been erected with the establishment of the concessional lot under SF10359 property, this would still leave one concessional lot that would be available had it not been taken away by the gazettal of Amendment 127.</p> <p>Therefore, as the proposed dwelling is consistent with the historic concessional lot arrangements for the land and has been designed and located to promote the existing and continued use of the site for viable agriculture (including turf farming), the proposed development is not an unplanned rural residential development outcome.</p> <p>Such a justified contravention of a development standard is a planned outcome.</p> <p>A dwelling on the subject site would only be unplanned development if the consent authority were to conclude that the minimum lot size for the erection of a dwelling provided for in cl 4.2D of the LEP were a prohibition, or in the alternative, if the minimum lot size is a development standard, a dwelling would be unplanned if</p>

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	<p>there were no cl 4.6 written request or the cl 4.6 written request were deficient.</p> <p>The satisfaction of the terms of cl 4.6 is a jurisdictional prerequisite which adds weight to any conclusion that the grant of consent to the erection of a dwelling on an RUI Primary Production lot less than 40ha may be a planned outcome.</p> <p>It is considered the proposal will not involve “unplanned rural residential development” and not withstanding non-compliance with the standard the objective is achieved.</p>
(b) to enable the replacement of lawfully erected dwelling houses in certain rural, residential and conservation zones,	The proposal does not include the replacement of a lawfully erected dwelling house and is not inconsistent with this objective.
(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.	The subject land is not located within the R5 Large Lot Residential zone and this objective is not applicable to this proposal.

Under the above circumstances and having regard to the first ‘test’ set by the “Wehbe” case and which Preston CJ references in Initial Action, the objectives detailed in Clause 4.2D(3)(a) will be achieved notwithstanding non-compliance with this development standard, and hence strict compliance with this development standard is unnecessary.

#### 4.3 ASSESSMENT OF PROPOSED VARIATION TO CLAUSE 4.2D(3) UNDER ‘METHOD 4’.

*The development standard has been virtually abandoned or destroyed by the Council's of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

Early settlement and development of Berry and its surrounds, and also the subsequent history of planning provisions that have applied within the Shoalhaven City Council, the locality is one that contains lawfully erected dwelling houses on a variety of allotment sizes, with many of the allotments containing dwelling houses having lots sizes less than 40 hectares in area.

Within the suburb of Jaspers Bursh, there are at least 150 separate allotments which comprise of areas less than 40 hectares and contain erected dwelling houses (refer Figure 5 below). In effect and having regard to the fourth ‘test’ set by the Wehbe case and which Preston CJ references in Initial Action, Council has essentially abandoned application of the minimum 40 ha lot size development standard in this locality. The majority of lots which contain dwelling houses within the vicinity of the subject site are lots that are less than the 40-hectare lot size minimum specified by Clause 4.2D(3)(a). In particular, it is within the direct vicinity of the site that the most contiguous cadastral pattern of undersized lots is located. Under these circumstances it is considered that strict compliance with this development standard is unreasonable.

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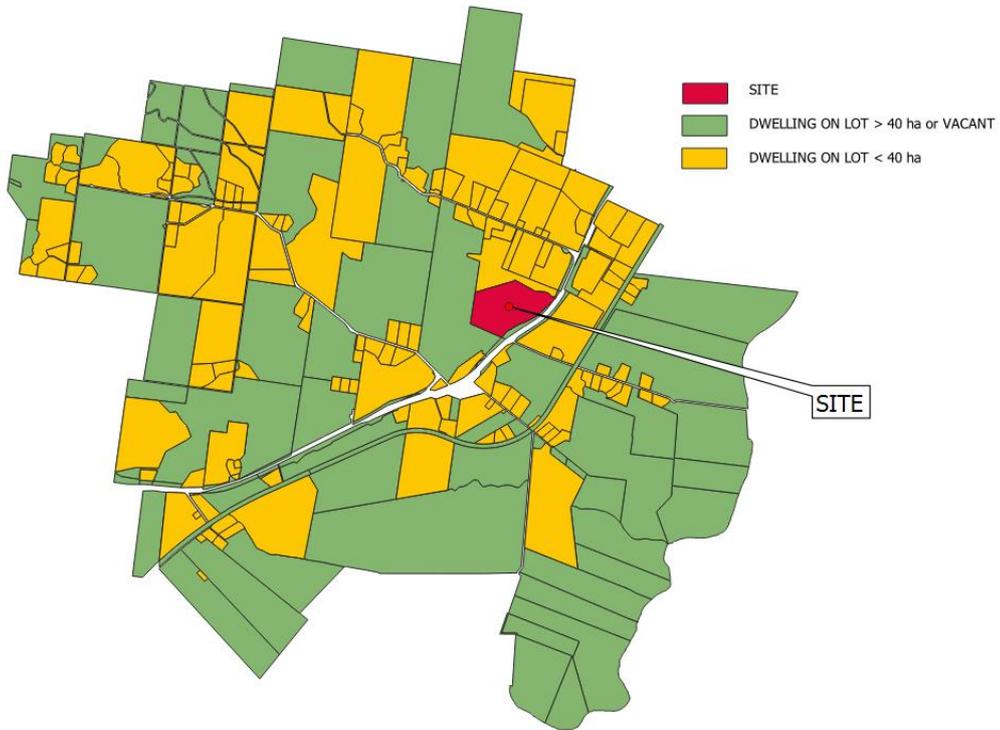


Figure 5: Cadastral Pattern – Jaspers Brush (Source: AP)

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## 4.3 CLAUSE 4.6 (3)

### *Environmental Planning Grounds to Justify Contravening the Development Standard*

As outlined in Section 2.6 of the Department's 'Guide to Varying Development Standards' the term 'environmental planning grounds' while not defined either by the Act or LEP, refer to grounds that relate to the subject matter, scope and purpose of the Act, including objects in Section 1.3 of the Act. The scope of environmental planning grounds is wide.

The "Guide to Varying Development Standards" states that sufficient environmental planning grounds need to be established by the facts of the request. The request must justify the contravention of the development standard, not simply promote the benefits of the development.

According to the "Guide to Varying Development Standards":

*the grounds must:*

1. *be sufficient to justify the contravention.*
2. *focus on the aspect of the development that contravenes the development standard, not the development as a whole.*

*Environmental planning grounds may not be sufficient to justify the contravention of a development standard if the variation results in unsatisfactory planning outcomes.*

*Avoiding adverse impacts may constitute sufficient environmental planning grounds as it promotes 'good design and amenity of the built environment' 10 – one of the objects of the EP&A Act. However, the lack of impact must be specific to the non-compliance to justify the breach. Other examples of environmental planning grounds include:*

3. *dealing with the unique circumstances of the site such as historical excavation of basements or swimming pools*
4. *achieving consistency with the streetscape and existing built form*
5. *responding to flood planning levels*
6. *responding to topography*
7. *improving public benefit*
8. *achieving equal or better amenity outcomes (solar access, privacy, views/outlook)*
9. *being consistent with the prevailing subdivision pattern*
10. *conserving built and cultural heritage values.*
11. *protecting or avoiding impacts to an area of environmental or biodiversity value.*

*In all cases, the justification must be specific to the aspect of the development that is the subject of the proposed contravention. Importantly, environmental planning grounds which justify the contravention of a development standard in one case may not justify contravention in another.*

Having regard to Clause 4.6(3)(b), and Section 2.4 of the Department's "Guide to Varying Development Standards", it is our view that there are sufficient environmental planning grounds to

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justify contravening the 40 hectare minimum lot size development standard of Clause 4.3 (of the LEP) under the specific circumstances of this case.

### *Consistency with Planning Strategies and Plans*

As outlined in Section 5.2 the term 'environmental planning grounds' is not defined by the SLEP 2014. As Preston CJ in Initial Action notes such grounds would include consideration of the Objects of the EP&A Act outlined in Section 1.3 of the Act.

As detailed in Section 1.3, the Objects of the Act include:

- (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 property 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 above Objects are manifested in the aims and objectives that underpin State, regional and local planning strategies, plans and policies.

The 40-hectare minimum lot size development standard imposed by Clause 4.2D(3)(a) seeks in part to achieve objects detailed in the Illawarra-Shoalhaven Regional Plan and the Shoalhaven LEP 2014.

### *Illawarra-Shoalhaven Regional Plan (ISRP) 2041*

The ISRP provides the strategic policy, planning and decision-making framework to guide the region to sustainable growth over the next 20 years.

In summary the plan sets out four main goals, however, in my mind the following goals have relevance to Clause 4.2D(3)(a) of the SLEP 2014:

- a sustainable and resilient region
- a region that values its people and places

### *A sustainable and resilient region*

Clause 4.6 Variation Statement – B270 Princes Highway, Jaspers Brush  
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Liability limited by a scheme approved under Professional Standards Legislation. ABN 62 609 045 972.

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The ISRP identifies the region's 'high environmental value' lands. This mapping identifies land with significant environmental value, with 43% of the region (250,000 hectares) possessing high environmental value or forms part of a biodiversity corridor. The subject land is not identified as having high environmental value or forming part of a biodiversity corridor in terms of the Regional Plan. The development application will therefore not be inconsistent with this goal of the ISRP.

Indeed, the proposal involves the establishment of a dwelling house within a previously cleared area of the site. No vegetation disturbance will be required to be undertaken for the construction of the building for such use or for bushfire asset protection zones.

Furthermore, enabling the establishment of a dwelling house will ensure better management for the ongoing use of the land, be it as its current use as a turf farming operation or for a future agricultural use.

### *A region that values its people and places*

The ISRP confirms the ever-growing housing issue that is present in the region. It also aims to ensure that although more housing is required, land must not be compromised in this process, encouraging the protection and maintenance of the existing environment, local character, and heritage.

The establishment of a dwelling house will utilise existing infrastructure for access and servicing and provides additional housing in the area.

Furthermore, the existing building is located in such a way that it will not conflict with neighboring properties. The proposal is also well protected from its surrounds and substantially set back from the road, buffered by existing buildings on the site from the Princes Highway, ensuring that the dwelling house does not impact on the natural amenity or the character of the region.

Indeed, enabling the establishment of a dwelling may encourage better land management in terms of bushfire management and future rehabilitation of the site also benefiting neighbouring properties and the overall environment. Allowing flexibility in this particular case would provide a better planning and environmental outcome for the ongoing management and use of the subject site which will benefit the ongoing operation of neighbouring lands.

### *The Objectives of the Shoalhaven Local Environmental Plan 2014 and the C2 and C3 zones*

The objectives of the SLEP 2014 and the zones that apply to the subject site also provide context within which to consider the environmental planning grounds that underpin the development standard in question.

The subject land is zoned RU1 Primary Production under the provisions of the Shoalhaven Local Environmental Plan 2014.

The objectives of the RU1 Zone are:

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

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- *To conserve and maintain the economic potential of the land within this zone for extractive industries.*

However, in summary, those objectives that have specific relevance to this proposal would essentially seek to protect, manage, restore and conserve natural waterways, flora and fauna, and areas of high ecological, scientific, cultural and aesthetic values.

These objectives of the RU1 zone themselves are underpinned by the overall “Aims” of the SLEP 2014 which are detailed in Clause 1.2(2) of the SLEP 2014 and which include:

- (1) *This Plan aims to make local environmental planning provisions for land in Shoalhaven in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows-*
  - (a) *to encourage the proper management, development and conservation of natural and man-made resources,*
  - (b) *to facilitate the social and economic wellbeing of the community,*
  - (c) *to ensure that suitable land for beneficial and appropriate uses is made available as required,*
  - (e) *to minimise the risk of harm to the community through the appropriate management of development and land use.*

In my view, having regard to the aims of the SLEP 2014, one of the underlying historic justifications for the introduction of the 40 hectares minimum lot size in the LEP by clause 4.2D(3)(a) is to protect and maintain the agricultural land resource.

The subject site comprises an area of 23.25 ha and comprises Class 2 and 3 Agricultural land classification. The site has an approved use as a turf farm, which is a form of intensive plant agriculture. The proposed dwelling is to be clustered with the existing buildings on the site and as such will have minimal impact on the ongoing agricultural use of the site, be it the approved or future uses.

The establishment of a dwelling house on the site would enable its permanent occupation and will provide scope for better management of the land and environment in terms of supporting the approved agricultural use and bushfire and weed management, providing a better outcome for the on-going management and use of the subject site. Such will also benefit ongoing weed and pest management for adjoining properties.

Furthermore, having regard to the aims of the LEP and the objectives of the RU1 zone it is considered that the proposal will maintain the rural landscape character of the locality:

- As is evident from Figure 5 above, the locality is one that is characterized by numerous rural allotments with areas less than 40 hectares and upon which dwelling houses are located. The proposal will therefore comprise a density of development that is not inconsistent with the settlement pattern and rural character of the surrounding locality and Jaspers Brush as a whole;
- The proposal does not alienate or fragment resource lands;
- Permanent residence of the site will allow for any current or future agricultural uses to be better supervised and more easily and productively carried out and will conserve and support ongoing agricultural production from the use of Prime Crop and Pasture Land;

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- The proposed building is a single storey, low profile building form which blends in with the surrounding landform;
- The proposed building is finished with external materials and colours that are muted and sympathetic to the local landscape context;
- The location of the proposed building is not visually prominent and set back substantially from a public road;

Furthermore, given the location of existing infrastructure on the site between this vantage point and the proposed dwelling house, coupled with the low-profile design and the use of muted external materials and colours, the proposed building is not visually prominent within the broader landscape and thus will maintain the natural landscape character of the area.

The proposal will not have any significant effects on flora and fauna, local amenity, or heritage values. The dwelling site is on previously cleared land and the access roads are existing and located within existing cleared areas of the site. No vegetation disturbance is required either for the construction of new buildings or for the provision of any bushfire Asset Protection Zones around the existing building and access. The proposal will not adversely affect the existing or future agricultural use of the land, in fact, permanent occupation of the land will support such uses. The proposal will not result in any significant impact on the environmental values of the subject site.

### 7.2.3 SITE SPECIFIC ENVIRONMENTAL GROUNDS

The following site-specific environmental grounds justify the proposed variation to the minimum 40-hectare allotment size development standard:

- Only minimal work is required to establish a dwelling on the site as proposed. The dwelling will utilize existing site access and services and is located on a previously cleared area of the site.
- The proposal is supported by Bushfire Assessment that confirms no additional vegetation disturbance will be necessary to accommodate the change of use. This is an important consideration as it means that there will be no need for vegetation clearing to satisfy bushfire requirements.
- Approval of this proposal despite contravention of the 40-hectare development standard imposed by Clause 4.2D(3)(a) of the SLEP 2014 will not set an undesirable precedent given the specific circumstances of this case. The cadastral pattern of undersized lots containing dwelling houses is well established and a clear departure from the minimum lot size standard in the vicinity of the site. These circumstances, and the history surrounding the creation and use of the subject land are specific to this particular case.

The encroachment of the 40-hectare minimum lot size development standard in this specific case will be consistent with and promote the Objects of the Act of the EP&A Act in terms of:

- promoting 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;
- facilitating ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
- promoting the orderly and economic use and development of land ;
- Protecting the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;

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The variation to 40-hectare minimum lot size development standard will not result in unsatisfactory planning outcomes, including setting an undesirable precedent, and the purpose of the proposal and the variation of the development control is consistent with the objects of the Act to facilitate the orderly and economic development of the land. Indeed, approval of this proposal will support the approved and future use of the land for agricultural purposes by providing permanent on site management within the subject land, bringing about an improved planning outcome.

In light of the above, there are no environmental planning grounds that warrant maintaining and/or enforcing the 40-hectare minimum lot size development standard in this instance. Rather, there are clear and justifiable environmental planning merits that validate the flexible application of the 40-hectare minimum lot size development standard enabled by Clause 4.6 of the LEP.

### 5.0 - CONCLUSION

A development application has been submitted to Shoalhaven City Council seeking the construction of a new dwelling house at B270 Princes Highway, Jaspers Brush.

The subject site is zoned RU1 Primary Production under the provisions of the Shoalhaven Local Environment Plan (SLEP) 2014.

Dwelling houses are permissible with consent within the RU1 zone. Clause 4.2D of the LEP outlines the relevant provisions for the erection of dwelling houses within the RU1 zone. Under Clause 4.2D, development consent may be granted for the erection of a dwelling house on land zoned C2 provided the subject land comprises the minimum lot size under mapping that support the LEP; or the lot was on which was created before the LEP commenced and upon which a dwelling house was previously permissible.

The minimum allotment area requirements that apply to the site is 40 hectares. The subject site comprises an area of 23.25 hectares.

Clause 4.6 of Shoalhaven LEP 2014 makes provision for exceptions to development standards and enables Council to consent to development even though it may be inconsistent with a development standard. The provisions of Clause 4.6 require that a Written Statement accompany a proposal that seeks to justify the contravention of a development standard.

This Written Statement, made pursuant to Clause 4.6, demonstrates strict compliance with Clause 4.2D(3)(a) of Shoalhaven LEP 2014 would be unreasonable and unnecessary under the specific circumstances of this case, and that there are sufficient environmental planning grounds to justify contravention of the development standards outlined in this clause:

In summary the Clause 4.6 Written Statement demonstrates:

- The strict compliance with the 40-hectare minimum lot size as required by Clause 4.2D(3)(a) of the LEP is unnecessary and unreasonable under the specific circumstances of this case;
- That compliance with this standard is unnecessary given the objectives that underpin both the clause, and the zones will be achieved without compliance with this minimum lot size development standard;
- That the 40-hectare minimum lot size standard has been abandoned by Council in this locality given the prevailing settlement pattern and therefore strict compliance with this development standard is unreasonable; and
- The dwelling can be established with minimal impact on the land. The proposal utilizes existing access and servicing arrangements. Further the proposal development does not require vegetation to be cleared to satisfy construction or bushfire requirements. The dwelling is clustered with existing development on the site and will not fragment agricultural land and establishment of a permanent dwelling on the site will support the ongoing use of the land for agricultural purposes by providing for round the clock on-site management of the land.

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There are also sufficient environmental planning grounds to justify contravening the 40 hectare minimum lot size development standard of Clause 4.2D(3)(a) of the LEP:

- The proposal will be consistent with and better achieve the aims of the Illawarra – Shoalhaven Regional Plan and the Shoalhaven LEP 2014 and the objectives of the RU1 zones that apply to the land under the LEP.
- The proposal will not have any significant effects on flora and fauna, local amenity, or heritage values. Both the proposed dwelling and existing access road are located within existing cleared areas of the site. No vegetation disturbance is required either for the construction of the new building or to satisfy bushfire requirements. Such is entirely consistent with the thrust of the aims and objectives of the above planning instruments and provisions. The proposal will not adversely affect the ongoing use of the land for agricultural purposes. The proposal will not result in any significant impact on the environmental values of the subject site.
- Enabling the establishment of a dwelling will allow for better management of the land in respect to bushfire and pest management.

There are also site-specific environmental grounds that justify the proposed variation to the minimum 40-hectare allotment size development standard:

- Only minimal work is required to establish a dwelling on the site as proposed. The dwelling will utilize existing site access and services and is located on a previously cleared area of the site.
- The proposal is supported by Bushfire Assessment that confirms no additional vegetation disturbance will be necessary to accommodate the change of use. This is an important consideration as it means that there will be no need for vegetation clearing to satisfy bushfire requirements.
- Approval of this proposal despite contravention of the 40-hectare development standard imposed by Clause 4.2D(3)(a) of the SLEP 2014 will not set an undesirable precedent given the specific circumstances of this case. The cadastral pattern of undersized lots containing dwelling houses is well established and a clear departure from the minimum lot size standard in the vicinity of the site. These circumstances, and the history surrounding the creation and use of the subject land are specific to this particular case.

Under these circumstances this Written Statement made pursuant to Clause 35B of the EP & A Regulations 2021 and having regard to Clause 4.6 of the SLEP 2014 requests that the Council exercise the discretionary authority outlined in Clause 4.6 of the SLEP 2014 and support this development application that the Written Statement supports notwithstanding the proposed development may be in contravention of Clause 4.2D(3)(a) of the SLEP 2014.

Section 4.15 Assessment Report – DA2025/1836

b 	<b>Section 4.15 Assessment Report</b> <i>Environmental Planning &amp; Assessment Act 1979</i>
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<b>Conflict of interest declaration</b>											
<p>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.</p> <p><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></p>											
Assessing Officer	<div style="background-color: #ccc; width: 100%; height: 15px;"></div>	<b>20/10/2025</b>									
Peer Review Officer	<div style="background-color: #ccc; width: 100%; height: 15px;"></div>	12/02/2026									
Peer Review Officer	<div style="background-color: #ccc; width: 100%; height: 15px;"></div>	<b>Click here to enter a date.</b>									
Affiliations and Pecuniary Interests	<p>Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form?</p> <p><i>Note: Where a pecuniary interest is identified ensure, appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)</i></p> <p><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></p>		No								
Councillor Representations	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Councillor</th> <th style="width: 50%;">Date</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">NIL</td> <td></td> </tr> </tbody> </table>	Councillor	Date	NIL		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 100%;">Date</th> </tr> </thead> <tbody> <tr> <td></td> </tr> </tbody> </table>	Date		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 100%;">TRIM Reference</th> </tr> </thead> <tbody> <tr> <td></td> </tr> </tbody> </table>	TRIM Reference	
Councillor	Date										
NIL											
Date											
TRIM Reference											
Delegation Level Required	Clause 4.6 > 10% to be reported to Council										
<b>Report Recommendation</b>	<b>Refusal</b>										
Development Description	Single Storey Dwelling House										
Variations Proposed	<input type="checkbox"/> DCP departure										
	<input checked="" type="checkbox"/> Clause 4.6 exception										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Clause number</b></td> <td>4.2D</td> </tr> <tr> <td><b>Percentage variation</b></td> <td>41.875%</td> </tr> <tr> <td><b>Brief justification for the variation</b></td> <td> <p>The proposal will not involve ‘unplanned rural residential development’ not withstanding non-compliance with the standard</p> <p>The development standard has been virtually abandoned or destroyed by the Councils actions in granting consents departing form the standard and</p> </td> </tr> </table>	<b>Clause number</b>	4.2D	<b>Percentage variation</b>	41.875%	<b>Brief justification for the variation</b>	<p>The proposal will not involve ‘unplanned rural residential development’ not withstanding non-compliance with the standard</p> <p>The development standard has been virtually abandoned or destroyed by the Councils actions in granting consents departing form the standard and</p>				
<b>Clause number</b>	4.2D										
<b>Percentage variation</b>	41.875%										
<b>Brief justification for the variation</b>	<p>The proposal will not involve ‘unplanned rural residential development’ not withstanding non-compliance with the standard</p> <p>The development standard has been virtually abandoned or destroyed by the Councils actions in granting consents departing form the standard and</p>										

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		hence compliance with the standard is unnecessary and unreasonable
	<b>Determination date</b>	TBA
DA Number	DA2025/1836	
PAN	PAN-551856	
Property Address	B270 Princes Highway, JASPERS BRUSH - Lot 200 DP 1219020	
Applicant(s)	Allen Price Pty Ltd	
Owner(s)	[REDACTED]	
Owner's consent provided?	Yes	
Is the proposal a Crown development application under <a href="#">Division 4.6</a> of the EP&A Act 1979?	<p>No</p> <p><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 <a href="#">EP&amp;A Regulations 2021</a> e.g. NSW Land &amp; Housing Corporation, Landcom etc.</i></p> <p><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></p>	
Date Lodged	10/07/2025	
Date of site inspection	18/08/2025	
Date clock stopped	25/07/2025	
Date clock started	8/08/2025	
Related Application in NSW Planning Portal?	<input checked="" type="checkbox"/> Concurrence and/or external agency referral (Endeavour Energy)(DPI) <input type="checkbox"/> HPC Contributions (CON) <input type="checkbox"/> Planning Panel (PPSSTH) <input type="checkbox"/> Section 68 (S68) <p><i>Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.</i></p>	
Number of submissions	<p>NIL</p> <p><i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i></p>	

### 1. Detailed Proposal

The proposal as submitted includes:

- Clause 4.6 variation request to Clause 4.2D of SLEP 2014 for the minimum lot size for a dwelling house on RU1 Zoned land
- Construction of new Single Storey Dwelling
  - Associated driveway access
  - Associated on site effluent system

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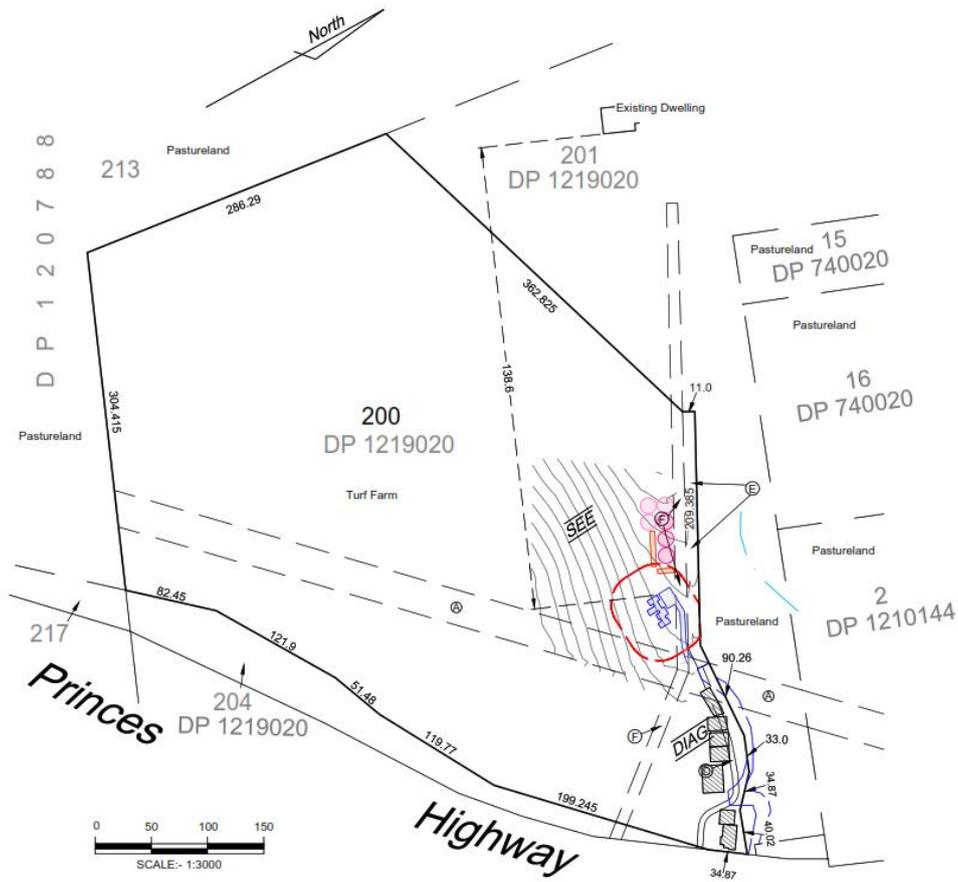


Figure 1: Site Plan

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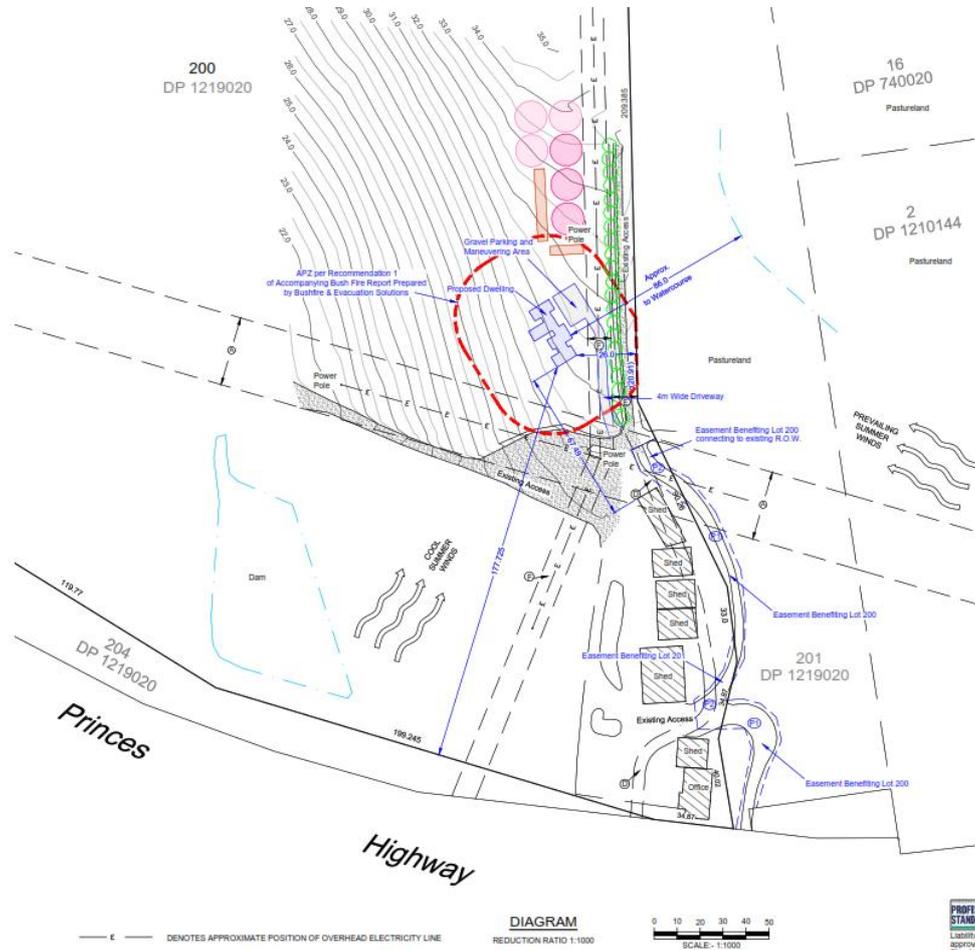


Figure 2: Area of site impacted by proposal

The submitted SEE states:

**Site Access**

*The site is serviced by established gravel access from the Princes Highway, currently used as access for the established dwelling on Lot 201 DP1219020. The development will require an additional 70m of gravel access that connects the existing access to the parking area ancillary to the dwelling.*

*It should be noted that as a result of the Princes Highway upgrade, the access point from the Princes Highway to the site was relocated. Lot 200 DP1219020 is now accesses the Princes Highway via an area of Lot 201 DP1219020.*

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*The lots at this time are in common ownership, however it is the intention of the landowner to resolve individual lot access arrangements through a number of right of ways as shown on the site plan.*

*An easement for a right of carriageway between private landowners does not require development consent and this application does not seek to include provision of these easements as part of the development. If necessary Council can condition the requirement for individual lot access to be resolved prior to the occupation certificate.*



Figure 3: Former legal Site access to Princes Highway for lot 200 prior to Highway Bypass upgrades.

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Figure 4: Post Highway upgrade access closed to lot 200 and moved approx 46m north to Lot 201 and red dashed lines depicting former closed access to Lot 200



Figure 5: Streetview image from Princes Highway showing new access arrangement and red dashed lines depicting former closed access to Lot 200

Lot 200 DP 1219020 (**The Site**) is currently **legally landlocked** as it does not have a functional/legal access to the Princes Highway as the former access (see Figures 3, 4 & 5) was closed off by Transport for NSW (TfNSW) Highway Bypass upgrade around 2020.

The submitted DA form and Statement of Environmental Effects (SEE) indicate that **no ROW is being requested over adjoining Lot 201 to benefit Lot 200** for the current DA. There is also **no reference to lot 201 on the DA form, no owners consent or MOU from the owners of lot 201 agreeing to a ROW over Lot 201 to benefit Lot 200**. There are concept easements for ROW on the site plan that are not part of the current application.

It is acknowledged that the owners of the two lots could make arrangements outside of a DA process to address legal and practical access for lot 200.

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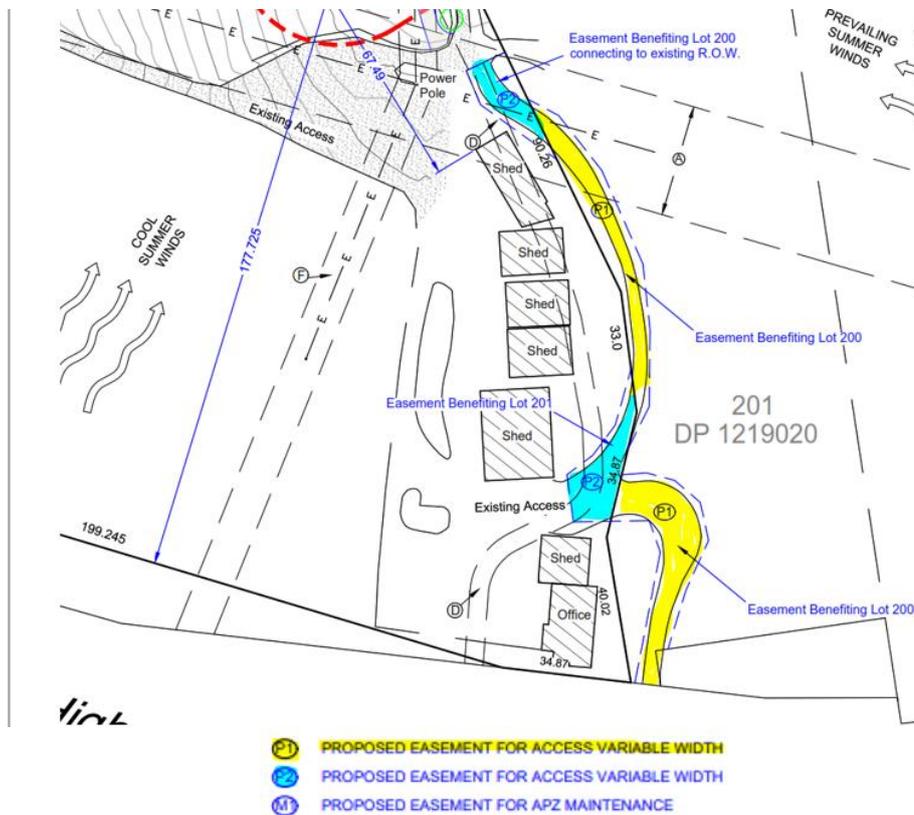


Figure 6: Marked up plans of proposed Rights of Way

Unfortunately, such easements and arrangements have not been carried out at the time of preparing this report and as such, this fails to address the current mandatory requirement to satisfy council that **suitable vehicular access is available or that adequate arrangements have been made to make the access available** as required under clause 7.11(d) for the SLEP 2014 prior to granting any development consent.

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The plans and information referred to are as follows:

<b>Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Date of Plan</b>
N25640-04	REV E 05/08/25	Site Plan	Allen Price & Scarratts	10/05/2019
Job 634 DRG 07-A	-	Floor Plan	Craig Johnson Design	22/04/25
Job 634 DRG 08-A	-	Roof Plan	Craig Johnson Design	22/04/25
Job 634 DRG 09-A	-	Elevations Plan	Craig Johnson Design	22/04/25
Job 634 DRG 10-A	-	Sections Plan	Craig Johnson Design	22/04/25
Job 634 DRG 11-A	-	Basix Commitments	Craig Johnson Design	22/04/25
B270 Princes Hwy Jaspers Brush	-	Colour Schedule	Craig Johnson Design	-

<b>Documents</b>			
<b>Document title</b>	<b>Version number</b>	<b>Prepared by</b>	<b>Date of document</b>
Basix Certificate	Certificate No. BSX-26889S_02	Craig Johnson	22 April 2025
Bushfire Assessment Report	Ref I-24062	Bushfire & Evacuation Solutions	6 August 2024

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**2. Subject Site and Surrounds**

Site Description



Figure 7: GIS imagery of subject site Lot 200 DP1219020

The subject site is accessed informally via an existing driveway over the adjoining Lot 201 DP 1219020 from the Princess Highway. There is a registered ROW over Lot 200 from the Princess Highway that is no longer functional due to Princess Highway bypass upgrade and a number of buildings have been erected over the ROW. This has resulted in the scenario that no legal vehicular access is currently available to serve Lot 200.



Figure 8: Existing easements over Lot 200 (yellow polygons) (Source - GIS)

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The site slopes south east towards the Princes Highway and is traversed by easements for electricity and a ROW (d) that has been partially built over.

The surrounding area is rural in character and the site is adjoined by rural lands to the north, south and west with the Princes Highway to the east.



Figure 9: 2025 GIS imagery of subject site and nearby land use

The site contains the original farm house approved by a Change of Use DA to an Office for the approved Turf Farm and other non-habitable outbuildings associated with the approved Turf Farm.



Figure 10: Photos of proposed dwelling location on existing turf farm

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**Background**



Figure 11: NSW Government Historical Imagery – May 1984



Figure 12: NSW Government Historical Imagery – March 2002 – Turf Farm approved in December 2002

- 2002, the site known as 'Hillview Park' Lot 42 DP 250662 Princes Highway, Jaspers Brush had an area of 33.87ha.
- 2002, February 11, Development Application lodged seeking Councils' consent for Demolition of Existing Dwelling and Construction of a New Dwelling, Swimming Pool and Tennis Court.
- Approval was granted 2002, September 9 (**DA02/1295**)

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Figure 13: Approved Dwelling, swimming pool & tennis court (red arrow) for DA02/1295

- 2002, July 31 Development Application lodged seeking Councils' consent for a **Turf Farm, Use of Existing Dwelling as Office/Amenities and new Machinery Shed**. Turf farm to be established on approximately 25ha with remainder of the site used for grazing.
- Approval was granted 2002, December 10, (DA02/3007)
- 2003, December 9, Development Application lodged seeking Councils' consent to **Demolish the Old Farmhouse (currently approved as an office/amenities for the Turf Farm) and move the office off-site and the old farmhouse to be demolished.**
- Approval was granted 2004, February 25, (DA03/4171)
- 2004, April 22 Development Application lodged seeking Councils' consent for a **New Office Building for Existing Turf Farm**. Application stated *"the existing house on the farm had been converted to a temporary office and this current building is inadequate for efficient use by the staff, and is past the stage of renovation effectiveness v cost. A development consent has been granted for its demolition."*
- Approval was granted 2004, September 2 (DA04/1892)
- 2007, October 15 Development Application lodged seeking **Subdivision/Boundary Adjustment of Lot 42 DP 250662 and Lot 21 DP 1025109, including a rural boundary adjustment and one new allotment for a lawfully existing turf farm.**

The SEPP 1 objection relates to the boundary adjustment only and not to the creation of the turf farm allotment which can be facilitated through Clause 11(3) of the SLEP 1985.

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An objection was made to the 40ha development standard contained within Clause 11(2)(a) of the SLEP 1985 as gazetted 17 May 1985 and amended 18 December 1998 to permit two allotments to be created with areas of 2.13ha and 14.91 ha which each lot contains a lawfully erected dwelling house.

The grounds for the objection to the 40ha development standard were:

*“with regard to the Aims of SEPP No.1, this proposal does not hinder or compromise Section 5(a)(i) or (ii) of the Environmental Planning & Assessment Act, 1979 as it promotes the proper management and development of rural land by allowing the creation of an allotment under Clause 11(3) for a turf farm.”*

Clause 11(3)(a) of the SLEP 1985 stated:

**11 Subdivision—Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)**

*(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).*

*(3) The Council may grant consent for a subdivision of land to which this clause applies (except land within Zone No 7 (d2) or 7 (f2)) so as to create an allotment of less than 40 hectares if the Council is satisfied that:*

*(a) the allotment proposed to be created is currently lawfully used for a purpose (other than agriculture, forestry, a dwelling-house or dwellings, or tourist accommodation under clause 20) for which it may be used without or only with the consent of the Council, or will be used for such a purpose before the plan of subdivision or strata plan is registered, and*

*(b) the ratio of depth to frontage is satisfactory having regard to the purpose for which the allotment is intended to be used, and*

*(c) only one lot for each use referred to in paragraph (a) is created, and*

*(d) where the allotment has a frontage to a main or arterial road, the frontage is not less than:*

*(i) in the case of land within Zone No 1 (a), 1 (b), 1 (d), 1 (e) or 1 (g)—200 metres, or*

*(ii) in the case of land within Zone No 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3)—400 metres, and*

*(e) each lot has a vehicular access that is practical and lawful.*

The SEPP 1 Concurrence letter from the Department of Planning (Ref:W07/00159) supported the creation of lots 301 & 302 under clause 11(2)(a) while noting in relation to the residual land:

***“The proposed subdivision/boundary adjustment will not result in any new lots or entitlements. The Department does not support the creation of additional lots with or dwelling entitlements, in rural, coastal or environmentally sensitive areas where the lots have an area below the development standards”***

- Approval was granted 2008, February 29 (**SF9980**)
- Subdivision Certificate No. (**SC14/1062**) for 3 Lot Rural/Boundary Subdivision – One lot for an approved Turf Farm under Clause 11(3) SELP 1985 and boundary Adjustment under Clause 11(2)(A) pursuant to SEPP 1, dated 2015, February 12.

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- The existing dwelling located on lot 302 in Figure 13, was approved by (DA02/1295) on the original land parcel Lot 42 DP250662.

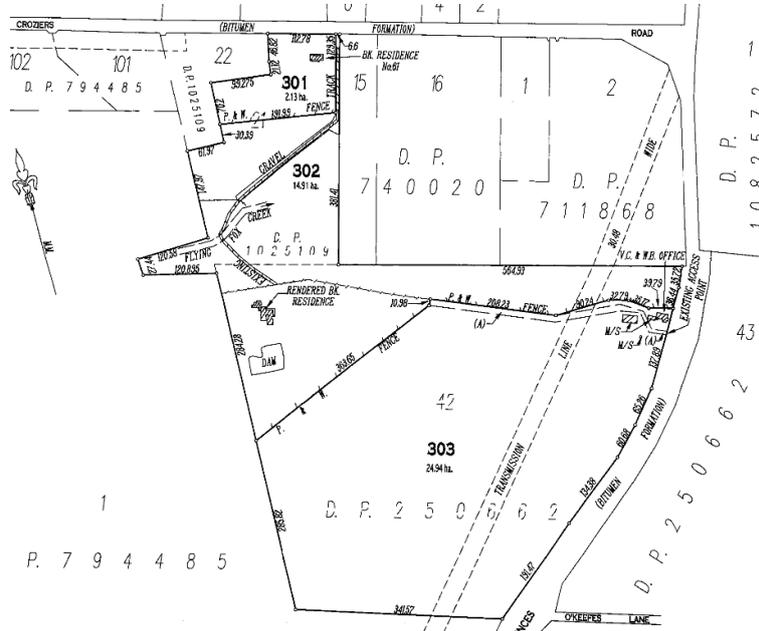


Figure 14: SF9980 Approved Plan

In summary the original farmhouse still exists on the land as well as an approved office in a separate shed.

A sign at the entrance indicated that the Turfco Office has moved to 17 O'Keefes Lane Jaspers Brush.



Figure 15: Existing Farmhouse

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Figure 16: Office building – does not match approved plans



Figure 17: Sign at entrance to the Turfco Site

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**Shoalhaven LEP 2014**

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note** - Turf farming is a type of intensive plant agriculture—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Summary of Site and Constraints**

<b>GIS Map Layer</b>								
	<b>Lot Area</b>	23.250ha						
	<b>Zone</b>	RU1 Primary Production 						
	<b>Does the land have a dwelling entitlement?</b> <i>Note: for rural land refer to <a href="#">clause 4.2D</a> of Shoalhaven LEP 2014.</i>	No Clause 4.6 provided that seeks a variation to the minimum lot size for a dwelling under Clause 4.2D.						
	<b>Does the property adjoin Council, Crown, National Parks or other reserve?</b> <i>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</i>	No						
<b>Topographic Layer</b>	<b>Has appropriate survey information been provided?</b>	Yes						
	<table border="1"> <thead> <tr> <th><b>Development Type and setbacks</b></th> <th><b>Required Survey Information</b></th> </tr> </thead> <tbody> <tr> <td>Rural sheds/garages with setbacks &gt;10m</td> <td>Builders' dumpy levels</td> </tr> <tr> <td>Rural sheds/garages with setbacks &gt;5m</td> <td>Spot levels and identification survey</td> </tr> </tbody> </table>	<b>Development Type and setbacks</b>	<b>Required Survey Information</b>	Rural sheds/garages with setbacks >10m	Builders' dumpy levels	Rural sheds/garages with setbacks >5m	Spot levels and identification survey	
	<b>Development Type and setbacks</b>	<b>Required Survey Information</b>						
	Rural sheds/garages with setbacks >10m	Builders' dumpy levels						
Rural sheds/garages with setbacks >5m	Spot levels and identification survey							

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	<table border="1"> <tbody> <tr> <td>Rural sheds/garages with setbacks &lt;5m</td> <td>Part survey of affected areas</td> </tr> <tr> <td>Urban sheds with setbacks &gt;1.2m</td> <td>Spot levels</td> </tr> <tr> <td>Urban sheds with setbacks &lt;1.2m</td> <td>Detailed / Part survey</td> </tr> <tr> <td>Carports with setbacks &lt;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> </tbody> </table>	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	
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	Undulating												
	Slope of land >20% ?	No												
Site Inspection	Works within proximity to electricity infrastructure?	Yes - Referral to Endeavour Energy required.												
	Is the development adjacent to a <a href="#">classified road</a> ?	Yes - Referral to TfNSW not required.(at this time )  New access provided by Transport NSW to adjacent lot as part of the Berry to Bomaderry Princes Highway upgrade which was completed in late 2022.												
	Is the development <a href="#">adjacent to a rail corridor</a> ?	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"> <li>within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or</li> <li>within 20m of the centreline (measured radially) of a relevant pipeline, or</li> </ul> <p>within 20m of land the subject of an easement for a relevant pipeline.</p>	No												
Utility Network	Access to reticulated sewer?	No- The site will be serviced by a proposed on-site sewage management system												
	Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?	N/A												

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E n v i	<input checked="" type="checkbox"/> Sewer Pressure Mains > <ul style="list-style-type: none"> <li><span style="color: red;">—</span> Rising Main</li> <li><span style="color: red;">- -</span> Surcharge Main</li> <li><span style="color: red;">- -</span> Low Pressure Sewer Main</li> <li><span style="color: green;">—</span> Under Construction</li> </ul>	
	<p><b>Building over sewer policy applicable?</b></p> <p><i>Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.</i></p>	No
	<p><b>Access to reticulated water?</b></p>	Yes      Water Meter onsite
	<p><b>Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?</b></p>	No
	<p><b>Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?</b></p>	No
	<p><b>On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?</b></p> <p><i>Note: Ensure you have adequate information about the location of existing OSSM systems</i></p>	Yes – new dwelling proposed with OSSM buffers as required
	<p><b>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.</b></p> <p><i>Note: EMA/EDAs should be located at least 20m away from a downstream water main and at least 10m from an upstream water main.</i></p>	Yes
	<p><b>Aboriginal Cultural Heritage</b></p>	No

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	Bush Fire	Yes
	Coastal Hazard Lines (applies to location of proposed development)	No
	Coastal Hazard Area	No
	Potentially Contaminated Land	No
	Flood <i>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 <a href="#">Chapter G9</a> of Shoalhaven DCP 2014.</i>	No
	<input checked="" type="checkbox"/> Flood Data <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Flood Studies	
Development within 40m of a watercourse? <i>Note: A Controlled Activity Approval (CAA) may be required for works within 40m of a watercourse. The <a href="#">Waterfront land e-tool</a> can be used to determine if a CAA is required.</i>	No	
Planning Layers	Development Control Plan – <a href="#">Area Specific Chapters</a>	No
	Draft Exhibited Planning Proposal	No
	<a href="#">Shoalhaven LEP (Jerberra Estate) 2014</a>	NA
	<a href="#">Acid Sulfate Soils</a>	Class 5
	Buffers	No
	<a href="#">Terrestrial Biodiversity</a>	No
	Local Clauses	No
	<a href="#">Coastal Risk Planning</a>	No
<a href="#">Heritage</a>	No	

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	<a href="#">Scenic Protection</a>	No
	<a href="#">Riparian Land and Watercourses</a>	No
	Sydney Drinking Water Catchment area (eg NorBE) <i>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</i>	No
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	No
	<a href="#">Marine Park Estate</a>	No
<a href="#">BV Map</a>	Biodiversity Values Map	No

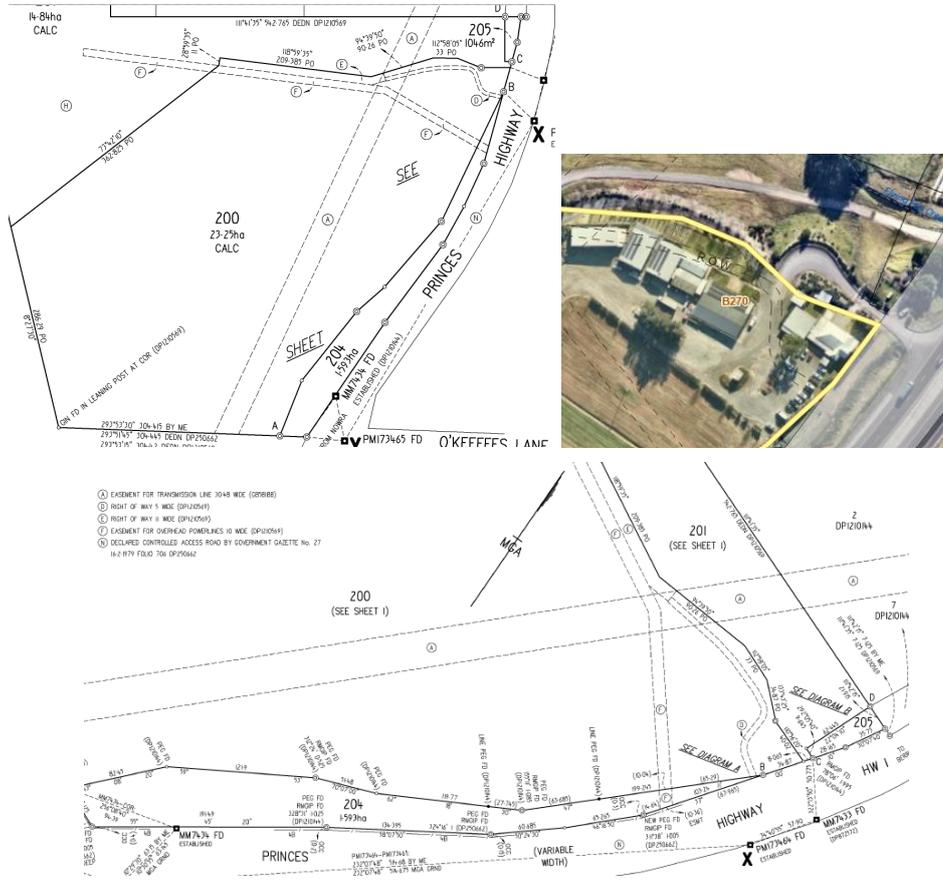
Site Inspection Observations

Refer to site inspection report. D25/363049 completed 18 August 2025

Deposited Plan and 88B Instrument

- (A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE (C858188)
- (B) EASEMENT FOR WATER SUPPLY 5 WIDE (DP266615)
- (C) EASEMENT FOR WATER SUPPLY LINE 3.05 WIDE (L319690)
- (D) RIGHT OF WAY 5 WIDE (DP1210569)
- (E) RIGHT OF WAY 11 WIDE (DP1210569)
- (F) EASEMENT FOR OVERHEAD POWERLINES 10 WIDE (DP1210569)
- (G) RESTRICTION ON THE USE OF LAND (DP862042)
- (H) COVENANT (P598902)
- (J) RIGHT OF CARRIAGEWAY 15.245 WIDE (DP630838)
- (K) RIGHT OF CARRIAGEWAY 15.245 WIDE & VARIABLE (DP630838)
- (N) DECLARED CONTROLLED ACCESS ROAD BY GOVERNMENT GAZETTE No. 27  
16-2-1979 FOLIO 706 DP250662
- (P) 5195573 EASEMENT FOR WATER SUPPLY 5 WIDE
- (Q) J50570 EASEMENT FOR WATER SUPPLY 3.05 WIDE

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CL26.56 - Attachment 3

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Figure 19: Photos of current access from Princes Highway over adjoining lot

### 3. Background

Pre-Lodgement Information

NA

Post-Lodgement Information

4	Application lodged	10/07/2025
5	Additional Information was requested	10/07/2025
6	Concurrence and Referral requested	24/07/2025
7	Additional Information was requested	25/07/2025
8	Additional Information was provided	08/08/2025

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Site History and Previous Approvals

Trim Application	Date Lodged	Portal No	Application Type	Proposal	Decision	Status	Determined
DA2025/1836	10/07/2025	PAN-551856	Dwelling	Proposed dwelling and ancillary access	AwaitInfo	Current	
DA2025/1785		PAN-548556	Dwelling	Dwelling house and ancillary access	Return	Past	08/07/2025

under Sepp1

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed	Show Properties
SC14/1062	25/09/2014	Subdivision Certificate	3 Lot Rural/Boundary subdivision under Sepp1	Approved	12/02/2015	Show Properties
DS14/1064	04/03/2014	Section 96 Amendment	3 Lot Rural/Boundary - Section 96 to Amend Staging & Engineering Conditions	Approved	29/04/2014	Show Properties
DS13/1281	12/08/2013	Section 96 Amendment	Commercial - Sec 96 1(a) to remove Cond. 3 relating to 10 year consent	Approved	21/08/2013	Show Properties
DS13/1212	14/06/2013	Section 96 Amendment	3 Lot Rural/Boundary subdivision under Sepp1- S96(1A)	Approved	10/01/2014	Show Properties
DS11/1456	01/12/2011	Section 96 Amendment	3 Lot Rural/Boundary subdivision under Sepp1	Approved	26/06/2012	Show Properties
CS10/1116	09/02/2010	Subdivision Construction Certificate	Sepp1 - 3 Lot Rural/Boundary subdivision under	Approved	09/02/2010	Show Properties
SF9980	15/10/2007	Subdivision Application	3 Lot Rural/Boundary subdivision under Sepp1	Approved	29/02/2008	Show Properties

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
DA04-1892	22/04/2004	Offices N.E.C.	Approved (T)	02/09/2004
DR04-1393	22/04/2004	Septic Tank Application	Approved (P)	02/09/2004
DA03-4171	09/12/2003	Demolition	Approved (T)	25/02/2004
DA02-3007	26/03/2003	Commercial	Approved (T)	12/03/2003
DA02-3007	31/07/2002	Commercial	Approved (T)	10/12/2002
DA02-2866	16/07/2002	Machinery/Farm Shed	Refused (T)	05/08/2002

Is the proposed development compatible with any relevant previous approvals?	No
Are there any orders applying to the property? <i>Note: Orders are viewable under the Development – Orders tab in the property details.</i>	No
Does the proposal appear to include/relate to any unauthorised building work? <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>	Yes - Discuss with Compliance Team.

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Strategic Planning Section	No specific strategic planning comments are offered. This application applies to a lot in the RU1 zone that is less than the minimum lot size of 40 ha , as such requires careful consideration as part of the assessment in regard to permissibility, justification, precedent etc.

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Shoalhaven Water	<p>The property does have a connection for water and the connection to water can be confired on SF9980. Non sewerred. WDN would be required</p> <table border="1"> <thead> <tr> <th>Connection</th> <th>Meter No</th> <th>Meter Status</th> <th>Date Installed</th> <th>Size</th> <th>Meter Type</th> <th>Meter Location</th> </tr> </thead> <tbody> <tr> <td>46362</td> <td>08D000051</td> <td>Active</td> <td>19/06/2013</td> <td>32</td> <td>032EL5M</td> <td>CNR post 200m South 270 front L dam</td> </tr> </tbody> </table>	Connection	Meter No	Meter Status	Date Installed	Size	Meter Type	Meter Location	46362	08D000051	Active	19/06/2013	32	032EL5M	CNR post 200m South 270 front L dam
Connection	Meter No	Meter Status	Date Installed	Size	Meter Type	Meter Location									
46362	08D000051	Active	19/06/2013	32	032EL5M	CNR post 200m South 270 front L dam									

External Referrals	
Referral	Comments
Endeavour Energy	Approved subject to conditions
DPI	Not Supported

**5. Other Approvals**

Agency	Recommendation
NA	Concurrence is not required in this instance – Council have adopted CI4.6 into their LEP

**6. Statutory Considerations**

**Environmental Planning and Assessment Act 1979**

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

<p><i>Is the development site mapped as bush fire prone land?</i></p>	<p>Yes - Complete below table and assessment against Planning for Bush Fire Protection</p>
<p><i>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></p> <p><i>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</i></p>	<p>Yes - Complete below table and assessment against Planning for Bush Fire Protection</p>
<p><i>Is the development subject to a performance based solution or a BAL-FZ?</i></p> <p><i>Note: As per <a href="#">Appendix 2</a> of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner.</i></p> <p><i>Note: The NSW variation of <a href="#">H7D4</a> 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 <a href="#">in consultation with NSW RFS</a>.</i></p>	<p>NA</p>

<b>S4.14 bushfire assessment by accredited consultant</b>
<p>The application has been supported by a bush fire assessment report that provides the following assessment:</p>

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PROPERTY ADDRESS:	B270 Princes Highway Jaspers Brush
DESCRIPTION OF PROPOSAL:	Proposed dwelling
PLAN REFERENCE:	Site Plan prepared by Allen Price & Scarratts (Ref: N25640-04; Rev: A; dated 21/09/2023)
HIGHEST BAL RATING:	BAL-19
DOES THE PROPOSAL RELY ON ALTERNATE SOLUTIONS?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
BUSHFIRE ASSESSMENT REPORT REFERENCE:	I - 24062
REPORT DATE	6 August 2024
ACCREDITATION SCHEME/ CERTIFICATION No	FPAA Australia Bushfire Planning & Design Scheme/ BPAD-23038

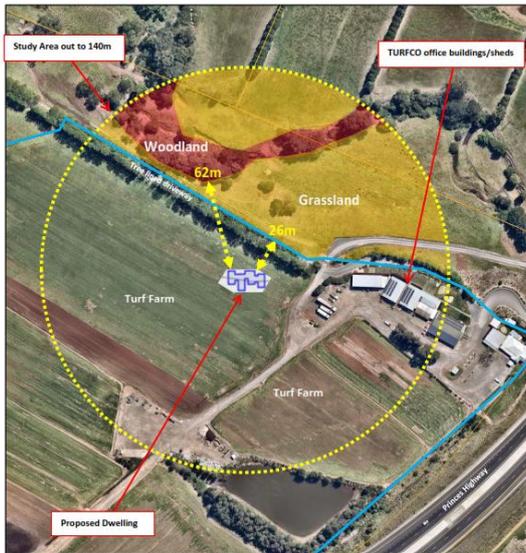


Figure 4: Site context/ bushfire hazard within the study area

The bush fire assessment report identifies that the proposed development conforms to the relevant specification and requirements of [Planning for Bush Fire Protection 2019](#) and has been prepared by a suitably qualified consultant.

Recommended conditions of consent will require the proposed building/s to be built to BAL-19.

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**Division 4.6 Crown Development**

<p><i>Is the proposal a Crown development application under <a href="#">Division 4.6</a> of the EP&amp;A Act 1979?</i></p> <p><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 <a href="#">EP&amp;A Regulations 2021</a> e.g. NSW Land &amp; Housing Corporation, Landcom etc.</i></p>	No
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**Biodiversity Conservation Act 1979**

<p><i>Does the application include works or vegetation removal within the <a href="#">Biodiversity Values mapped area</a>?</i></p>	No										
<p><i>Does the application involve clearing of native vegetation above the area clearing threshold?</i></p> <div data-bbox="320 719 906 1133" style="border: 1px solid black; padding: 5px;"> <p><b>Area clearing threshold</b></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 border="1" data-bbox="320 819 906 987"> <thead> <tr> <th>Minimum lot size associated with the property</th> <th>Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <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> </tbody> </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	No
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										
<p><i>Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in <a href="#">section 7.3</a> of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')?</i></p> <p><i>Note: Consideration should be given to the site's proximity to NPWS land (see <a href="#">guidelines</a>) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i></p>	No										
<p><i>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <b>any</b> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</i></p>	N/A										

**Fisheries Management Act 1994**

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

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**Local Government Act 1993**

Do the proposed works require approval under <a href="#">Section 68</a> of the Local Government Act 1993?	Yes - see s68 type nominated below
<input checked="" type="checkbox"/> Water supply, sewerage and/or stormwater works <input checked="" 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)?	
Has a <a href="#">Section 68</a> application been applied for as a related case in the Portal? / is there a related DR file in TRIM?	No - conditions of consent will require a s68 approval be obtained.

**Marine Estate Management Act 2014**

Does the application include any works within the marine park or aquatic reserve?	No
Is the development site within the locality (100m buffer) of a marine park or aquatic reserve?	No

**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:

<b>Environmental Planning Instrument</b>
<a href="#">Shoalhaven Local Environmental Plan 2014</a>
<a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021</a>
<a href="#">State Environmental Planning Policy (Primary Production) 2021</a>
<a href="#">State Environmental Planning Policy (Resilience and Hazards) 2021</a>
<a href="#">State Environmental Planning Policy (Sustainable Buildings) 2022</a>
<a href="#">State Environmental Planning Policy (Transport and Infrastructure) 2021</a>

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**State Environmental Planning Policy (Primary Production) 2021**

**Chapter 2 Primary production and rural development**

Part 2.5 Sustainable aquaculture	
Division 4 - Consideration of effects of proposed development on oyster aquaculture	
<p>Will the proposed development likely have an adverse effect on oyster aquaculture development or a priority oyster aquaculture area?</p> <p>Note: The <a href="#">Healthy Estuaries for Healthy Oysters - Guidelines for development near waterways</a> provides a guide for what types of development may impact on oyster aquaculture.</p> <p>Note: GIS mapping of aquaculture leases and priority oyster aquaculture areas is available on the <a href="#">Fisheries Spatial Data Portal</a>.</p>	No

**Schedule 4**

**Part 2 Subdivision of, or dwellings on, land in certain zones**

The subject land is zoned RU1 Primary Production. The surrounding area is rural in character and the site is adjoined by rural lands north, south, and west, with the Princes Highway directly to the east.

Although a dwelling house is not incompatible with adjoining land uses, establishing a dwelling on the subject lot given it does not meet the criteria of 4.2D of the Shoalhaven LEP 2014 for a dwelling entitlement is inconsistent with the LEP and would if approved further fragment viable agricultural land.

**Department of Primary Industries Referral Response – NOT SUPPORT**

*Thank you for your referral via the NSW Planning Portal on 8 September 2025 and the opportunity to provide advice on the proposed dwelling and ancillary access at lot 200, DP1219020 (B270 Princes Highway, Jaspers Brush).*

*The NSW Department of Primary Industries and Regional Development, Agriculture and Biosecurity (the Department) collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.*

*The Department's advice is guided by section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires a consent authority to evaluate a project's potential environmental, social, and economic impacts, as well as the public interest. Sections 1.3(a) and (b) of the EP&A Act emphasise facilitating ecologically sustainable development in land use decision-making. This promotes responsible resource management that benefits present and future generations.*

*The Department understands that the proposal is to construct a dwelling on a lot (23.25ha) that is below the required 40ha minimum lot size (MLS) under clause 4.2D(3)(a) of the Shoalhaven Local Environmental Plan 2014 (LEP). Contravention of a development standard (under 4.6(3)(a) and (b) of the LEP) is permitted if the following clauses of the LEP are satisfied:*

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- cl 4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*  
*cl 4.6(3)(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

*The Department has reviewed the documents provided concerning the above proposal and considered potential impacts on agricultural land and agricultural production. **The Department considers that the proposed dwelling on the subject land is not consistent with the above clauses of the LEP. The Department does not support the proposal for the following reasons.***

Agricultural land

*Compliance with the development standard of 40ha is both reasonable and necessary and is justified on environmental planning grounds of agricultural quality.*

*The site has a land and soil capability (LSC) of class 3 and class 5 under the Land and Soil Capability Assessment Scheme (Second Approximation). Land capability refers to the inherent physical potential of the land to support various uses and management practices over the long term, without causing degradation to soil, land, air, and water resources. This classification is based on an assessment of the land's biophysical characteristics and provides insights into the agricultural land uses best suited to the area.*

*LSC Class 3 land is land that is suited for grazing or pasture improvement, with some cultivation possible and moderate limitations. Class 5 land is moderate–low capability land that has high limitations for high-impact land uses. Land use is largely restricted to grazing, some horticulture (orchards), forestry and nature conservation however it is still a valuable agricultural resource.*

*The land is mostly situated on class 3 land and is currently used for turf farming as part of a larger turf farm. Class 3 land is the highest class of agricultural land in the Shoalhaven local government area (LGA) and with only 4% of land mapped as Class 3, it is considered to be a very limited resource. The proposal may cause the removal of approximately 23.25ha of the Class 3 agricultural land.*

*The land is also partly mapped as State Significant Agricultural Land (SSAL) on the preliminary draft SSAL map, which correlates with the Class 3 LSC land. In the broader context, the SSAL that incorporates the subject site, extends across the surrounding agricultural lands to the south, and is also contiguous with extensive SSAL extending to the northeast to Berry and southeast to Mayfield.*

Other Impacts to Agriculture

*The following addresses issues raised in the Statement of Environmental Effects, prepared by Allen Price, dated 21 May 2025:*

1. *Land use conflicts*

*The Department does not agree that the proposal will not cause land use conflicts as submitted by the applicant.*

*The existing turf farm (that incorporates the subject land) could be adversely restricted in their production, if a new sensitive land use, such as a dwelling is introduced. There is a high potential for land use conflicts between the residence proposed and agriculture on the remaining land. Values of residences and farmers differ, with residents often dissatisfied with the noise, dust, odour and chemical sprays from the normal operations of farms, with farms often required to address those issues, often at considerable cost.*

2. *Farm fragmentation*

*The Department does not agree that the proposal will not cause fragmentation of the existing farm operations as submitted by the applicant.*

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*While fragmentation is not caused by subdivision in this instance (as the lot is already stand-alone), the dwelling house addition on the lot, in potentially separate ownership, could have a similar fragmentation effect, because the property could be sold or rented under separate title and the lot will be separated from the existing turf farm operations.*

3. *Better management with a permanent residence*

*The Department does not agree that the addition of a permanent residence will result in better management of the existing farm operations as submitted by the applicant.*

*A permanent residence on the subject land will not guarantee continued agricultural use of the land. The more likely scenario is that the prime agricultural land will be converted to lifestyle purposes resulting in the fragmentation of the turf farm and the removal of high-quality agricultural land from production.*

4. *Clustering the dwelling on the farm*

*The Department does not agree that the clustering the dwelling into the north east corner of the lot will result in maintaining the farm in agricultural production.*

*Clustering the development into the northwest corner of the subject land may not assist in maintaining the land in agricultural production. While clustering enables greater versatility of farm operations, land use conflicts with surrounding agriculture and potential severance from the remaining turf farm (as above) is still an issue, resulting in a negative impact on agriculture.*

5. *The proposed dwelling is consistent with the historic concessional lot arrangements for the land.*

*The Department does not consider that concessional lots, not taken up in the past, are a reason to justify a dwelling house on the subject land.*

*Concessional lots that were part of the Interim Development Order – Shoalhaven, ceased in 1985. Additionally, the State Environmental Planning Policy (Rural Lands) 2008 (Rural SEPP) changed the law in December 2008 to cease new concessional lot subdivision. Any proposed dwelling application requires approval under the current LEP.*

Strategic Planning

*The Department understands that Shoalhaven LGA has significant pressure for dwelling houses on rural zoned land in the Shire and that it has the potential to have a considerable cumulative impact on agriculture in the LGA. The development of a Rural Landuse Strategy would enable a comprehensive appraisal of agricultural land across the LGA to ensure that the highest quality agricultural land is protected, and that the social, financial and physical aspects of the agricultural contribution to the community and cumulative impacts from any loss of agricultural land are clearly understood.*

*Should you require clarification on any information contained in this response, I have arranged for Wendy Goodburn, Agricultural Land Use Planning Officer, to assist you. Wendy can be contacted by phoning 0402 069 605 or by email at [landuse.ag@dpiird.nsw.gov.au](mailto:landuse.ag@dpiird.nsw.gov.au)*

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**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**Chapter 3 Koala habitat protection 2020**

Question	Yes		No	
1. Is the land zoned RU1, RU2 or RU3? <i>Note: 'Chapter 3 applies to RU1, RU2 and RU3 (or equivalent) zoned land. Chapter 4 applies to all other zones.'</i>	<input checked="" type="checkbox"/>	Proceed to Question 2	<input type="checkbox"/>	N/A - Chapter 4 Koala habitat protection 2021 applies.
2. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	<input checked="" type="checkbox"/>	Proceed to Question 3	<input type="checkbox"/>	Assessment under SEPP not required.
3. Is the land 'potential koala habitat'? <i>Note: 'potential koala habitat' are areas of native vegetation where trees of the types listed in Schedule 1 of the SEPP (feed tree species) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</i>	<input type="checkbox"/>	Proceed to Question 4	<input checked="" type="checkbox"/>	Proposal satisfactory under SEPP.

**Chapter 4 Koala habitat protection 2021**

Question	Yes		No	
1. Is the land zoned RU1, RU2 or RU3? <i>Note: 'Chapter 3 applies to RU1, RU2 and RU3 (or equivalent) zoned land. Chapter 4 applies to all other zones.'</i>	<input checked="" type="checkbox"/>	N/A - Chapter 3 Koala habitat protection 2020 applies.	<input type="checkbox"/>	Proceed to Question 2
2. Is there an approved koala plan of management for the subject land?	<input type="checkbox"/>	Complete assessment under "Approved Koala Plan of Management for Land".	<input checked="" type="checkbox"/>	Proceed to Question 3
3. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	<input checked="" type="checkbox"/>	Complete assessment under "No Approved Koala Plan of Management for Land".	<input type="checkbox"/>	Complete assessment under "Other Land".
<b>No Approved Koala Plan of Management for Land</b>				
1. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application: a) Does not include any trees belonging to the koala use tree species listed in Schedule 3 of the	<input type="checkbox"/>	Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied.	<input checked="" type="checkbox"/>	Proceed to Question 2

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Question	Yes		No	
SEPP for the relevant koala management area, or b) Is not core koala habitat, or c) There are no trees with a diameter at breast height over bark of more than 10cm, or d) The land only includes horticultural or agricultural plantations				
2. Is the proposed development likely to have an impact on koalas or koala habitat?	<input type="checkbox"/>	Proceed to Question 3	<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 checked="" type="checkbox"/>	Proceed to Question 2	<input type="checkbox"/>	Assessment under SEPP and DCP not required.
2. Are there any previous investigations about contamination on the land?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 3
3. Was the site previously used or is the site currently used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines?	<input checked="" type="checkbox"/>	Detailed investigation required. agricultural/horticultural activities - The application has not submitted a Report	<input type="checkbox"/>	Proceed to Question 4
4. Are there any land use restrictions on the land relating to possible contamination (e.g. notices issued by EPA or other regulatory authority)?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 5
5. Did the site inspection suggest that the site may have been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines or were any potential sources of contamination observed on site?	<input checked="" type="checkbox"/>	Detailed investigation required.	<input type="checkbox"/>	Proceed to Question 6

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Question	Yes		No	
<p><b>Table 1. Some Activities that may Cause Contamination</b></p> <ul style="list-style-type: none"> <li>• acid/alkali plant and formulation</li> <li>• agricultural/horticultural activities</li> <li>• airports</li> <li>• asbestos production and disposal</li> <li>• chemicals manufacture and formulation</li> <li>• defence works</li> <li>• drum re-conditioning works</li> <li>• dry cleaning establishments</li> <li>• electrical manufacturing (transformers)</li> <li>• electroplating and heat treatment premises</li> <li>• engine works</li> <li>• explosives industry</li> <li>• gas works</li> <li>• iron and steel works</li> <li>• landfill sites</li> <li>• metal treatment</li> <li>• mining and extractive industries</li> <li>• oil production and storage</li> <li>• paint formulation and manufacture</li> <li>• pesticide manufacture and formulation</li> <li>• power stations</li> <li>• railway yards</li> <li>• scrap yards</li> <li>• service stations</li> <li>• sheep and cattle dips</li> <li>• smelting and refining</li> <li>• tanning and associated trades</li> <li>• waste storage and treatment</li> <li>• wood preservation</li> </ul>				
<p>6. Are there any identified sources of contamination on land immediately adjoining the subject site which could affect the subject land?</p>	<input type="checkbox"/>	<p>Detailed investigation required.</p>	<input checked="" type="checkbox"/>	<p>Proceed to Question 7</p>
<p>7. Does Council have sufficient information to be satisfied that the proposed land use will not expose contaminants that might be present in soil or groundwater?</p>	<input type="checkbox"/>	<p>Proposal satisfactory with regard to SEPP and DCP requirements</p>	<input checked="" type="checkbox"/>	<p>Detailed investigation required. Turf Farm – Department of Primary Industries</p>

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Figure 4: Site context/ bushfire hazard within the study area

140m Buffer – NSW Department of Primary Industries state that an appropriate separation distance for dwellings is **at least 100m** – therefore the construction of a dwelling would remove an additional 1.5ha (approx.) of the existing primary industry production land.



**Plate 1:** View across site looking east from location of proposed building envelope and dwelling.

Figure 20 - Image taken from Report on Effluent Disposal - Cowman Stoddart Pty Ltd dated October 2023

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State Environmental Planning Policy (Sustainable Buildings) 2022

**Chapter 2 Standards for residential development — BASIX**

<b>BASIX Certificate</b>	
<p>Has the application been supported by an appropriate BASIX Certificate?</p> <p>Note: Residential development BASIX Certificates are required for:</p> <ul style="list-style-type: none"> <li>Erection (but not the relocation of) of all new residential dwellings.</li> <li>Development that involves the change of use by which a building becomes a dwelling.</li> <li>Alterations and additions to dwellings that cost \$50,000 or more.</li> <li>Swimming pools and spas with a combined capacity of 40,000 litres or more.</li> </ul>	Yes
Is the BASIX Certificate valid and has the DA been submitted within 3 months of date of issue of the BASIX Certificate?	Yes
Have BASIX commitments identified to be shown in the DA been shown on the DA plans?	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

**Chapter 2 Infrastructure**

<b>Considerations</b>	<b>Comments</b>
<b><u>Division 5</u> - Electricity transmission or distribution networks</b>	
<i>Part 2.3 Division 5 Subdivision 2 – Development likely to affect an electricity transmission or distribution network</i>	
Does the proposed development involve work within proximity to electricity infrastructure?	Yes - Consultation with Endeavour Energy required
<b><u>Division 12A</u> - Pipelines and pipeline corridors</b>	
<i>Part 2.3 Division 12A Subdivision 2 – Development adjacent to pipeline corridors</i>	
<p>Is the subject site:</p> <p>a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the <a href="#">Pipelines Act 1967</a>, or</p> <p>b) within 20m of the centreline (measured radially) of a relevant pipeline, or</p> <p>c) within 20m of land the subject of an easement for a relevant pipeline.</p>	No

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<b>Division 15 - Railways</b>	
<i>Part 2.3 Division 15 Subdivision 2 – Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements</i>	
<i>Does the development propose a new level crossing, the conversion of a private road to a public road across a level crossing or will the development likely significantly increase the total number of vehicles using an existing level crossing?</i>	No
<i>Is the development:</i> d) <i>likely to have an adverse effect on rail safety,</i> e) <i>involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</i> f) <i>involves the use of a crane in air space above any rail corridor, or</i> g) <i>located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</i>	No
<i>Does the development involve work penetrating &gt;2m below the existing ground level:</i> a) <i>within, below or above a rail corridor, or</i> b) <i>within 25m (measured horizontally) of a rail corridor, or</i> c) <i>within 25m (measured horizontally) of the ground directly below a rail corridor, or</i> d) <i>within 25m (measured horizontally) of the ground directly above an underground rail corridor.</i>	No
<i>Does the development include residential accommodation, a place of public worship, a hospital or an educational establishment or centre-based childcare facility on land adjacent a rail corridor and is likely to be adversely affected by rail noise or vibration?</i>  <i>Note: If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i>  a) <i>in any bedroom in the residential accommodation— 35 dB(A) at any time between 10.00 pm and 7.00 am,</i>	No

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b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	
<b>Division 17 - Roads and traffic</b>	
<i>Part 2.3 Division 17 Subdivision 2 – Development in or adjacent to road corridors and road reservations</i>	
<b>Development on proposed classified road</b>	
<i>Is the proposed development to be located on a classified road or land reserved for the purposes of a classified road?</i>	Yes - Referral to TfNSW not required A new right of access was created by TfNSW with the new bypass
<b>Development with frontage to classified road</b>	
<i>Where practicable and safe, is vehicular access to the land provided by a road other than a classified road?</i>	No
<i>Does the proposed development suitably maintain the safety, efficiency and ongoing operation of the classified road?</i>	Yes
<i>Where the development is a type sensitive to traffic noise or vehicle emissions has it been appropriately designed and located to ameliorate potential traffic noise and vehicle emissions?</i>	Yes
<b>Impact of road noise or vibration on non-road development</b>	
<i>Note: applies to land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW)</i>	
<i>Is the proposed development appropriate with regard to road noise and vibration?</i>  <i>Note: If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i>  a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i>  b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>	No
<b>Traffic-generating development</b>	
<i>Is the proposed considered traffic generating development?</i>	No

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Shoalhaven Local Environmental Plan Local Environmental Plan 2014

**Land Zoning**

The property zoned RU1 Primary Production under the *Shoalhaven Local Environmental Plan 2014*. The development area is zoned RU1 Primary Production.

**Characterisation and Permissibility**

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

**Zone objectives**

Objective	Comment
The proposal <b>is NOT</b> consistent with the objectives of the zone	
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	<p>The proposed dwelling house, associated driveways and onsite effluent areas do not encourage sustainable primary industry production as it reduces the natural resource base.</p> <p>The existing turf farm (that incorporates the subject land) could be adversely restricted in their production, if a new sensitive land use, such as a dwelling is introduced.</p> <p>There is a high potential for land use conflicts between the residence proposed and agriculture on the remaining land and adjoining land.</p> <p>Refer to DPI response on pages 28-30</p>
To encourage diversity in primary industry enterprises and systems appropriate for the area.	<p>The proposed dwelling house, associated driveways and onsite effluent do not encourage diversity in primary industry.</p> <p>The land is mostly situated on class 3 land and is currently used for turf farming. Class 3 land is the highest class of agricultural land in the Shoalhaven local government area (LGA) and with only 4% of land mapped as Class 3, it is considered to be a very limited resource.</p> <p>The proposal if approved may effectively sterilise 23.25ha of the Class 3 agricultural land for continued agricultural production.</p>

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To minimise the fragmentation and alienation of resource lands.	The proposed dwelling house would add to the fragmentation and alienation of resource land therefore is not consistent with the objective.  While fragmentation is not caused by subdivision in this instance (as the lot is already stand-alone), the dwelling house addition and associated infrastructure and APZ on the lot, in potentially separate ownership, could have a similar fragmentation effect, because the property could be sold or rented under separate title.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The erection of a dwelling house conflicts with the land use and limits clear opportunities for amalgamation of larger rural land holdings as well as detracting from rural uses due to potential rural residential conflict.
To conserve and maintain productive prime crop and pasture land.	A permanent residence on the subject land will not guarantee continued agricultural use of the land.  The more likely scenario is that the prime agricultural land will be converted to lifestyle purposes resulting in the fragmentation of the turf farm and the removal of high-quality agricultural land from production.
To conserve and maintain the economic potential of the land within this zone for extractive industries.	NA  <b>extractive industry</b> means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, <b>but does not include turf farming.</b>

The proposal is inconsistent with the objectives of RU1 Primary Production zoning. The proposal may set precedent for unplanned rural development posing a threat to the long-term preservation and sustainable management of the environment.

**Applicable Clauses**

Clause	Comments	Complies/ Consistent
Part 4 Principal development standards		
<a href="#">4.2D</a>	Clause 4.2D(3) specifies that development consent must not be granted for the erection of a dwelling house on land to which the clause applies unless one of the criteria (a) – (d) is satisfied.	<b>Does not comply</b> – clause 4.6

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<p>The subject allotment does not satisfy any of the criteria set out in 4.2D(3) and therefore a clause 4.6 exception has been applied for and this is further discussed in Appendix B.</p> <p>The application is proposing a <b>41.875%</b> variation to Clause 4.2D(3).</p> <p>The extent of the variation is not supported as the approval of the proposal will have a negative social impact and will set a precedent for unplanned rural residential developments.</p> <p>The proposed development involves the construction of a new single storey dwelling and associated earthworks, access and an onsite effluent system.</p> <p>The surrounding area comprises of land zoned RU1 – Primary Production in varying size allotments. Clause 4.2D establishes a minimum lot size (or other criteria) for dwelling entitlements in rural zones with the objective of minimising unplanned rural residential development.</p> <p>It is noted that <b>DA02/1295</b> approved the demolition of the original farmhouse-dwelling and construction of a new dwelling, swimming pool and tennis court.</p> <p>The new approved dwelling was constructed on the original land parcel (Lot 42 DP 250662). The original farmhouse-dwelling was not demolished and a further application <b>DA02/3007</b> was approved for Turf Farm and Change of Use Existing Dwelling to Office/Amenities and Machinery Shed.</p> <p>Lot 200 being the parcel of land subject to this application was created by <b>SF9980</b> 3 Lot Rural Subdivision/Boundary Adjustment under Clause 11(2)(a) pursuant to SEPP 1 and one lot for an approved Turf Farm under Clause 11(3).</p> <p><i>Extract from Shoalhaven Local Environmental Plan 1985</i></p> <p><b>11</b> <i>Subdivision—Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)</i></p> <p><i>(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).</i></p> <p><i>(2) The Council may consent to a subdivision of land to which this clause applies if each separate allotment of land that will be created by the subdivision—</i></p> <p><i>(a) will have an area of not less than 40 hectares,</i></p> <p><i>(b) in the opinion of the Council, will allow the objectives of the zone applying to the land to be met,</i></p> <p><i>(c) will have a ratio of depth to frontage satisfactory to the Council, having regard to the purpose for which the allotment is or is intended to be used,</i></p> <p><i>(d) where the allotment has a frontage to a main or arterial road, will have a frontage to that road of not less than 400 metres, and</i></p> <p><i>(e) will have a vehicular access that is practical and lawful.</i></p> <p><b>(3) The Council may grant consent for a subdivision of land to which this clause applies (except land within Zone No 7 (d2) or 7 (f2)) so as to create an allotment of less than 40 hectares if the Council is satisfied that—</b></p> <p><b>(a) the allotment proposed to be created is currently lawfully used for a purpose (other than agriculture, forestry, a dwelling-house or dwellings, or tourist accommodation under clause 20) for which it may be used without or only with the consent of the Council, or will be used for such a purpose before the plan of subdivision or strata plan is registered, and</b></p>	<p>exception has been applied for.</p>
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	<p>.....</p> <p>In the assessment of <b>SF9980</b> it was made clear in the application and assessment that the subdivision facilitated through Clause 11(3) of the SLEP 1985 and boundary adjustment creating the new allotment with the approved dwelling under <b>DA02/1295</b> made under Clause 11(2)(a) SLEP 1985 would <b>not have a dwelling entitlement</b>.</p> <p><i>Extract from Statement of Environmental Effects – SF9980 prepared by Planscapes Town Planning Consultancy on behalf of Owners G &amp; S Rogers, L Hansen &amp; S Coles</i></p> <p><b>“with regard to the Aims of SEPP No.1, this proposal does not hinder or compromise Section 5(a)(i) or (ii) of the Environmental Planning &amp; Assessment Act, 1979 as it promotes the proper management and development of rural land by allowing the creation of an allotment under Clause 11(3) for a turf farm.”</b></p> <p>It is evident from the assessment of <b>SF9980</b> and Clause 11(3) of Shoalhaven LEP 1985 which applied at the time, Lot 200 DP 1219020 was created with the intent of the allotment was to restrict its use for residential accommodation and not grant consent for a dwelling entitlement.</p> <p>Council staff have considered the proposed new single storey dwelling house and resultant dwelling entitlement would be incompatible with the preferred and predominant use of the land given the lot size. The proposal if approved would have negative social impact by setting an undesirable precedent for the erection of dwellings on other undersized lots in rural zones and contribute to unplanned rural residential development and further fragmentation of viable agricultural land.</p> 	
4.2F	The application is not for the erection of a Rural Workers’ Dwelling in Zone RU1 for the provision of accommodation for employees	NA – application for single dwelling (not RWD)

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4.3	<p>There is no height limit set by the Height of Buildings Map and therefore the height of any building on the land must not exceed a maximum height of 11 metres as per sub-clause (2A).</p> <p>The proposed development does not exceed the building height limit.</p>	Complies
4.6	<p>The application seeks an exception to the development standards set out in clause 4.2D(3)(a). The application has been supported by a clause 4.6 exception statement and this is further discussed in Appendix B.</p>	<p><b>Does not comply - clause 4.6 exception not supported - See Appendix B for further commentary</b></p>
Part 5 Miscellaneous provisions		
5.10	<p>The site is not mapped heritage or identified as aboriginal cultural heritage.</p> <p>Lot 200 is in the vicinity of the former Jaspers Brush School site, however, the proposed dwelling site will not impact on this property.</p> <p>Lot 200 adjoins land mapped aboriginal cultural heritage to the west and south, the proposed dwelling is not located in close proximity to the lot boundaries.</p>	Complies
5.16	<p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>(4) The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c). The application has not satisfied the requirements of clause 5.16 Shoalhaven LEP 2014 as it not provided sufficient information demonstrating that the proposed dwelling does not conflict between residential land use and rural land use.</p> <p>The proposed development involves the erection of a dwelling on land zoned RU1 Primary Production. Council has considered existing and approved uses on adjoining land and the proposed development is not compatible due to unplanned rural residential developments.</p>	<p><b>Does not Comply</b></p>

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<a href="#">5.21</a>	The subject site is <b>not</b> mapped Flood affected	Complies				
Part 7 Additional local provision						
<a href="#">7.1</a>	The subject site is mapped as acid sulfate soils: <table border="1" data-bbox="406 436 1045 616"> <thead> <tr> <th>Class</th> <th>Commentary</th> </tr> </thead> <tbody> <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> </tbody> </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.					
<a href="#">7.2</a>	Consideration has been given to the matters outlined in clause 7.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately.	Complies				
<a href="#">7.7</a>	The proposed works are not located on land with a slope of >20% and are not located on land identified as a “sensitive area”.	Complies				
<a href="#">7.8</a>	The subject land is <b>not</b> mapped as “Scenic Protection” on the Scenic Protection Area Map.	Complies				
<a href="#">7.11</a>	<p><i>(1) Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p><i>(a) The supply of water:</i></p> <p>The applicant has indicated that potable water will be provided to the development via rainwater tanks however Shoalhaven Water have confirmed that if Council were to approve the development a s64 water contributions charge would still be applicable via a Water Development Notice given the parent lot is connected to reticulated town water.</p> <p><b>This matter is considered to be addressed with suitable condition.</b></p>	Does not comply				

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**(b) The supply of electricity:**

The applicant has indicated in the SEE that necessary servicing is either already available to the site or provided as part of the proposed development.

No other reference to reticulated power supply is provided for availability to service the development footprint. In addition, the submitted architectural plans and Basix certificate are also silent on the provision of electricity to the dwelling.

**This matter is not considered to be addressed.**

**(c) the disposal and management of sewage:**

An effluent disposal report was submitted by Cowman Stoddart (D25/305947) and demonstrates that the estimated hydraulic load of the proposed dwelling house together with the soil conditions at the site are considered suitable for on-site wastewater treatment via an Aerated Wastewater Treatment System (AWTS) with disposal of secondary treated effluent by surface irrigation. In the event that the DA was approved the on-site effluent system would need to obtain separate approval under s68 of the Local Government Act for installation and operation.

This matter is considered to be addressed.

**(d) suitable vehicular access:**

Lot 200 DP 1219020 (**The Site**) is currently **legally landlocked** as it does not have a functional/legal access to the Princes Highway as the former access (see Figures 3, 4 & 5) was closed off by Transport for NSW (TfNSW) Highway Bypass upgrade around 2020.

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	<p>The submitted DA form and Statement of Environmental Effects (SEE) indicate that <b>no ROW is being requested over adjoining Lot 201 to benefit Lot 200</b> for the current DA. There is also <b>no reference to lot 201 on the DA form, no owners consent or MOU from the owners of lot 201 agreeing to a ROW over Lot 201 to benefit Lot 200</b>. There are concept easements for ROW on the site plan that are not part of the current application.</p> <p>It is acknowledged that the owners of the two lots could make arrangements outside of a DA process to address legal and practical access for lot 200.</p> <p>Unfortunately, such easements and arrangements have not been carried out at the time of preparing this report and as such, this fails to address the current mandatory requirement to satisfy council that <b>suitable vehicular access is available or that adequate arrangements have been made to make the access available</b> as required under clause 7.11(d) for the SLEP 2014 prior to granting any development consent.</p> <p><b>This matter is not considered to be addressed.</b></p>	
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ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [draft environmental planning instruments](#).

iii) Any Development Control Plan

[Shoalhaven Development Control Plan 2014](#)

Generic DCP Chapter	Relevant
<b>G1: Site Analysis, Sustainable Design and Building Materials</b>	
A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.	
<b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b>	
<i>Has the application been supported by appropriate erosion and sediment control details?</i>	No - Recommended conditions of consent will require erosion and sediment control measures be provided.
<i>Does the development require on site detention (OSD) to be provided?</i> <small>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.</small>	No - Large rural allotment. OSD is not required.

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<i>Has the application been supported appropriate stormwater drainage details?</i>		Yes - Complete table below	
Question	Yes	No	
1. Is the application for alterations and additions attached to an existing building?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	<input checked="" 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 checked="" type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to a level spreader.	<input type="checkbox"/> Proceed to Question 3
<b>G3: Landscaping Design Guidelines</b>			
Existing/proposed landscaping is appropriate. <i>Note: The planting of weed species listed in the <a href="#">South East Regional Strategic Weed Management Plan 2023 – 2027</a> is not supported.</i>			
<b>G4: Tree and Vegetation Management</b>			
<i>Have any trees proposed to be removed been clearly shown on the site plan (where required)?</i>	N/A		
<b>G5: Biodiversity Impact Assessment</b>			
<i>Is the proposal biodiversity compliant development?</i>	Yes		
<b>G7: Waste Minimisation and Management Controls</b>			
<i>Has the application been supported by an appropriate waste minimisation and management plan?</i>	No - Recommended conditions of consent will require a WMP prior to the issue of a CC/prior to the commencement of work		
<b>G8: Onsite Sewage Management</b>			
<i>Has the application been supported by an appropriate on-site sewage management report (where required)?</i>	Yes - See commentary below.		
<i>Is there sufficient area available on site for effluent disposal areas and reserve areas?</i>	Yes		

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Are suitable buffer distances provided? <i>Note: Buffer distances are detailed in Table 1 of Chapter G8 of Shoalhaven DCP 2014.</i>	Yes				
<b>G12: Dwelling Houses and Other Low Density Residential Development</b>					
See Appendix A					
<b>G21: Car Parking and Traffic</b>					
<table border="1"> <thead> <tr> <th>Number of on-site car parking spaces required by Section 5.1 of Chapter G21</th> <th>Number of car parking spaces provided</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>2</td> </tr> </tbody> </table>		Number of on-site car parking spaces required by Section 5.1 of Chapter G21	Number of car parking spaces provided	2	2
Number of on-site car parking spaces required by Section 5.1 of Chapter G21	Number of car parking spaces provided				
2	2				
Have car parking spaces been clearly shown on the site plan?	Yes				
Are parking spaces and garage dimensions sufficient? <i>Note: AS2890.1 requires 3m x 5.5m for a single garage and 5.7m x 5.5m for a double garage.</i> <i>Note: Where tandem / stacked parking is proposed, a front setback of 5.5m must be provided to accommodate the vehicle wholly within the site.</i>	Yes				
Is the slope of any tandem / stacked parking spaces suitable? <i>Note: Tandem / stacked parking spaces should have a maximum longitudinal grade of 5% and a maximum crossfall of 6.25%.</i>	N/A				
Is vehicle manoeuvring for the site adequate?	Yes				
Is a new driveway access proposed/required?	Yes – however the driveway indicated on the submitted plans relies on Princes Highway access and ROW over lot 201 adjacent when such component has not been applied for in this application and no owners consent sought or suitable arrangements made with the owners of lot 201 for the driveway.				
Is the slope of any driveway access suitable? <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.</i>	Yes				

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<i>Note: The tool 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><b>Does the proposed development require the provision of kerb and gutter?</b></p> <p><i>Note: Table 3 in Chapter G21 requires that kerb and gutter be provided for dual occupancy and medium density development. There is no kerb and gutter requirement for low density residential development (e.g. alterations and additions, single dwellings, secondary dwellings)</i></p>	No - Development is low density and does not require kerb and gutter
<b>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</b>	
<i>Is the development suitable with regard to acid sulfate soils?</i>	Yes
<i>Does the application involve the erection of any buildings or structures on land with a slope &gt;20% or on land with stability problems?</i>	No

<b>Area Specific DCP Chapter</b>
NA

**iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There are no planning agreements applying to this application.

**iv) Environmental Planning and Assessment Regulation 2021**

<a href="#">Clause 62</a>	<i>Does the application result in a change of use of an existing building but does not propose any building works?</i>	No
<a href="#">Clause 64</a> Partial Upgrade	<i>Does the application involve alterations or additions to an existing building?</i>	No
<a href="#">Clause 64</a> Total Upgrade	<i>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?</i>	No

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

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### Any coastal zone management plan

The proposed development is outside and remote from the Coastal Zone - NA

### Other Shoalhaven Council Policies

#### State and Local Infrastructure Contributions

State Contributions	
<p>Does the proposed development trigger the Housing and Productivity Contribution (HPC)?</p> <p><i>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.</i></p> <p><i>Note: HPC is implemented via Ministerial planning orders. Different Orders apply for development lodged before 1/7/2024. See thfor further information.</i></p> <p><i>Note: The <a href="#">Housing and Productivity Contributions Guide to the Ministerial Planning Order</a> provides examples and guidance for calculating HPC.</i></p> <p><i>Note: The Ministerial planning orders provide excluded lots and credits in some instances. When calculating HPC ensure that these are considered.</i></p>	No
Local Contributions	
<p>Is the development site an "<a href="#">old subdivision property</a>" identified in Shoalhaven Contributions Plan 2019?</p>	No
<p>Is the proposed development considered to increase the demand for community facilities in accordance with the <a href="#">Shoalhaven Contributions Plan 2019</a>?</p>	Yes - s7.11 contributions are applicable.
<p>Where s7.11 contributions are raised for residential development, have they been capped (where required) as per the <a href="#">Ministerial Direction</a>?</p> <p><i>Note: Section 6 of the <a href="#">Environmental Planning and Assessment (Local Infrastructure) Direction 2012</a> (most recent consolidated version of Direction is available <a href="#">here</a> – noting that this does not consolidate subsequent or future amendments to the Direction) sets the capped rate for residential development.</i></p> <p><i>Note: Where s7.11s are capped, the 'Apportion Cap' rate must be updated to the correct amount and selected.</i></p>	N/A
<p>Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)</p>	Yes - See Shoalhaven Water Development Application Notice.

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Section 7.11 ET Calculations -

Residential
  Non-Residential

Calculation Type:

Single Detached/Rural Dwelling

Single Detached/Rural Dwelling

	Existing	Proposed
Dwellings	0	1
<b>Total ET</b>		<b>1</b>
		<b>0</b>

+ Calculation Details (click to show)

DevTypeID:	1
Development Type:	Residential
Development Sub Type:	Single Detached/Rural Dwelling
Total ET:	1
Management ET:	1

Item Description	Existing	Proposed
Dwellings	0	1

Calculation Financial Year: 2025 Rates

Stage: 1

20000

Apportion Cap

Project	Description	Benefit Area	Contribution Amt	Cap Adjustment	Qty	Contribution Total	ADD
01AREC0006	Northern Shoalhaven Sports Stadium	01 - ET	840.45	0.00	1.00	840.45	X
01AREC0007	Nowra Swimming Pool Expansion (Scenic Drive)	01 - ET	651.77	0.00	1.00	651.77	X
01AREC0009	Planning Area 1 recreational facilities upgrades (various locations)	01 - ET	879.78	0.00	1.00	879.78	X
01CFAC0012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	01 - ET	35.99	0.00	1.00	35.99	X
01WARC0005	Shoalhaven Community and Recreational Precinct ScaRP Cambewarra Road Bomaderry	01 - ET	2318.75	0.00	1.00	2318.75	X
01WGFAC0002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	01 - ET	1752.47	0.00	1.00	1752.47	X
01WGFAC0006	Shoalhaven City Library Extensions (Berry Street, Nowra)	01 - ET	1536.92	0.00	1.00	1536.92	X
01WGFAC0007	Shoalhaven Regional Gallery	01 - ET	84.38	0.00	1.00	84.38	X
01WFIRE0001	Citywide Fire & Emergency services	01 - ET	165.78	0.00	1.00	165.78	X
01WFIRE0002	Shoalhaven Fire Control Centre	01 - ET	242.53	0.00	1.00	242.53	X
01WADM0001	Contributions Management & Administration	01 - ET	689.40	0.00	1.00	689.40	X
Label			\$9,198.22	\$0.00		\$9,198.22	

**(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 have a significant adverse impact on the natural environment as an increase of human presence on the subject land with the potential for indirect or future adverse impacts to primary production land within and adjoining the subject land.

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Head of Consideration	Comment
Built Environment	The proposed development will not have a significant adverse impact on the built environment.
Social Impacts	The proposed development will have a negative social impact in the locality as it will set a precedent for unplanned development if Council approve a dwelling on a lot less than the minimum lot size.
Economic Impacts	The proposed development may have a negative economic impact in the locality by eroding away at the prime crop pasture lands.

**(c) Suitability of the site for the development**

**The site is not considered suitable for the proposed development.**

- The subject site does not meet the criteria in clause 4.2D of Shoalhaven LEP 2014 to allow for the erection of a dwelling house on the allotment.
- The application does not demonstrate that compliance with the clause 4.2D development standard in Shoalhaven LEP 2014 is unreasonable or unnecessary.
- The application does not demonstrate that there are sufficient environmental planning grounds to justify contravening the clause 4.2D development standard in Shoalhaven LEP 2014.
- The proposal is not consistent with the objectives of clause 4.2D of Shoalhaven LEP 2014 insofar as that it contributes to unplanned rural residential development.
- The proposal is not consistent with the objectives of clause 4.2D insofar to allow the erection of a dwelling would limit clear opportunities for amalgamation of larger rural land holdings and detracts from rural uses due to potential rural residential conflict.
- The proposal is inconsistent with the aims of State Environmental Planning Policy (Primary Production) 2021 2.1(b) as the development will not reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.

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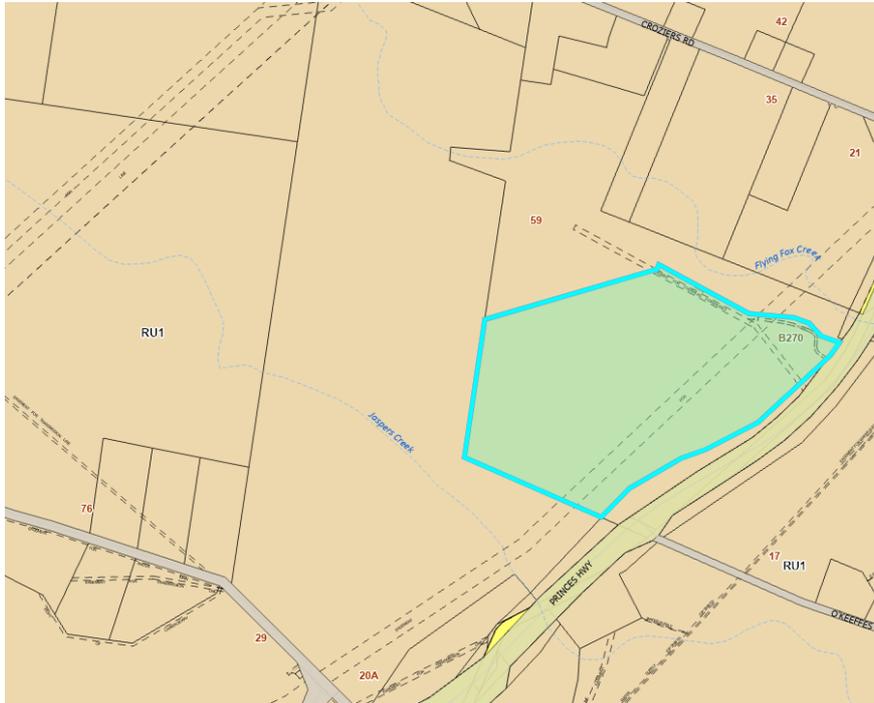


Figure 21: Clear opportunities for amalgamation of larger rural land holdings

**(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.

**(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 reduction of viable agricultural land for agriculture and increased potential for land use conflict between a new dwelling and agriculture on and adjacent to the site is not considered to be in the public interest.

**Delegations**

Are any clause 4.6 exceptions proposed?		Yes
Development Standard	Numerical Extent of Departure	Percentage (%) Extent of Departure
Clause 4.2D – Minimum lot size required to erect a dwelling house	40ha – 23.250ha = 16.75ha	41.875%

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Are any DCP performance-based solutions proposed?	No
---	----

**Guidelines for use of Delegated Authority**

Variations to Development Standards					
Level of Delegation	Assessing Officer	Senior Planner	Lead	Manager/Director	Elected Council
Extent of clause 4.6 exception	Nil	<2%	<5%	<10%	>10% OR non-numerical development standard
DCP Performance Based Solutions					
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	Team Supervisor	Lead	Manager
Cost of Development / Works Proposed	<\$1.5 million	<\$5 million	<\$7.5 million	<\$10 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 departure to the minimum lot size required to erect a dwelling set under clause 4.2D of the Shoalhaven LEP 2014 and the request under CI 4.6 to vary the minimum lot size (greater 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 **refused** for the following reasons:

Reasons for Refusal	
1)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is non-compliant with the development standards set out in clause 4.2D of the Shoalhaven LEP 2014 and inconsistent with the clause objectives.
2)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application has not satisfied the requirements of clause 4.6 of the Shoalhaven LEP

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	2014 as it has been sought to apply to varying the development standards set out in clause 4.2D in that the application does not demonstrate that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case.
3)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application has not satisfied the requirements of clause 4.6 of the Shoalhaven LEP 2014 as it has been sought to apply to varying the development standards set out in clause 4.2D in that the application does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.
4)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application has not satisfied the requirements of clause 5.16 of the Shoalhaven LEP 2014 as it not provided sufficient information demonstrating that the proposed dwelling does not conflict between residential land use and rural land use.
5)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application has not satisfied the requirements of clause 7.11 7.11(1)(d) Shoalhaven LEP 2014 as it has not provided sufficient information demonstrating that adequate arrangements are available or that adequate arrangements have been made to make them available for electricity supply or vehicular access.
6)	Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the information submitted with the development application does not satisfactorily demonstrate the likely impacts of the development on the environment and economic impact in the locality.
7)	Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use.
8)	Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed dwelling is in conflict with the approved subdivision for a turf farm under Clause 11(3) of the Shoalhaven LEP 1985.
9)	Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, having regard to the above matters to address the relevant provisions of Environmental Planning and Assessment Act, 1979, the granting of development consent is not considered to be in the public interest.



**Building Surveyor**  
**City Development**  
**19/08/2025**

**Reviewers Comments**

The application has been reviewed and the recommendations of the report are concurred with.

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**Lead Development Nowra  
City Development  
12/02/2026**

Given the s4.6 variation exceeds 10 %, determination of the application will need to go to the elected council in accord with the current guidance from the dept of planning see link attached

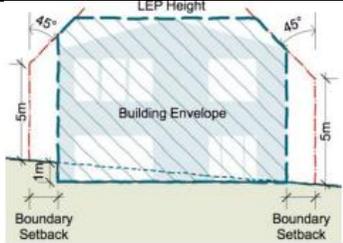
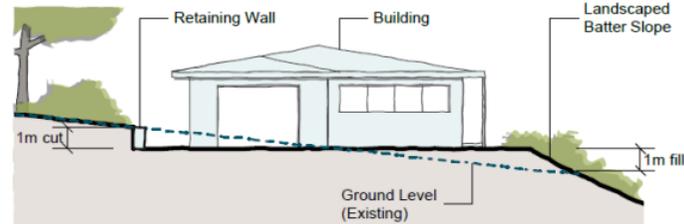
[https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub\\_pdf/NSW+Planning+Portal+Documents/Clause+4.6.pdf](https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Documents/Clause+4.6.pdf)

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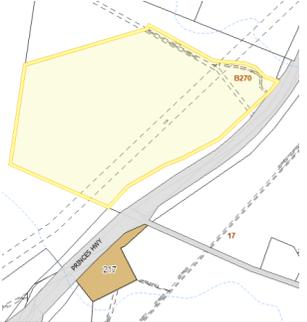
**Appendix A – Assessment Checklist: Chapter G12: Dwelling Houses and Other Low Density Residential Development**

Objectives of Chapter G12	
<p>The objectives of are to:</p> <ul style="list-style-type: none"> <li>i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity.</li> <li>ii. Maintain and enhance the amenity of existing and future residential areas.</li> <li>iii. Ensure development is compatible with the bulk, scale and character of the area, including scenic, landscape, pastoral or environmental qualities.</li> <li>iv. Set appropriate environmental criteria for energy efficiency, solar access, privacy, noise, vehicular access, parking, landscaping and open space.</li> <li>v. Ensure that development has due regard and is sympathetic to the physical constraints of the site.</li> <li>vi. Allow for efficient use of existing services and facilities, including utility services transport systems and community facilities.</li> <li>vii. Promote wider and more affordable housing choice in Shoalhaven. Implement agreed strategic directions and respond to demographic needs.</li> </ul>	
5 General Controls	
5.1 Building Envelope	
<i>Is the proposed development wholly contained within the building envelope?</i>	Yes

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 <p><b>Figure 1: Building envelope</b></p>	
<p><b>5.2 Orientation and Siting</b></p>	
<p><i>Does the proposed development respond to the constraints and opportunities of the site?</i></p>	<p>Yes</p>
<p><i>Are proposed earthworks appropriate?</i> <i>Note: Acceptable Solution A3.1 limits cut and fill to 1m.</i></p>  <p><b>Figure 2: Maximum cut and fill</b></p>	<p>Yes - Cut and fill is appropriate and responds to the topography of the site</p>
<p><i>Where retaining walls are located on the boundary does the application propose boundary fencing on top of the retaining wall?</i></p>	<p>N/A</p>
<p><i>Are impacts to neighbouring properties from retaining walls and boundary fencing appropriate?</i> <i>Note: Where boundary fencing is proposed on top of a retaining wall on the boundary, there may be additional overshadowing and amenity impacts on the low side neighbour.</i></p>	<p>N/A</p>

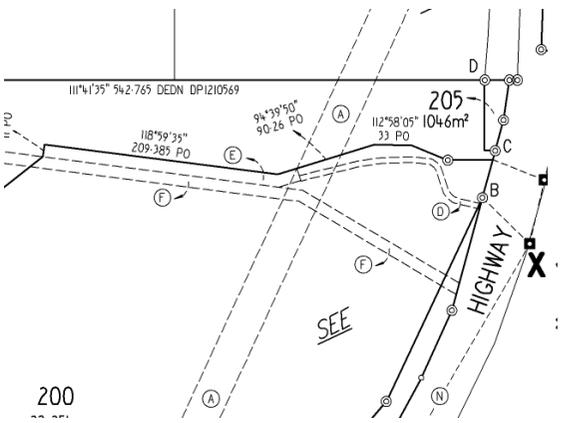
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<p><i>Note: Where fill and retaining walls are proposed abutting boundary fencing (i.e. boundary fencing is not on top of boundary retaining walls) the effective height of boundary fencing is reduced and may result in privacy and overlooking impacts on the low side neighbour.</i></p>	
<p><b>Are retaining walls of an appropriate height and scale?</b></p> <p><i>Note: Acceptable Solution A19.4 suggests retaining walls &gt;0.6m within the front setback of visible from the public domain should be softened with landscaping.</i></p> <p><i>Note: The visual impact of retaining walls should also consider any fencing (e.g. boundary fencing, pool fencing) or other structures on top of the retaining walls.</i></p>	N/A
<p><b>Where retaining walls are located on the boundary is appropriate consent provided from adjoining property owners affected by the retaining wall?</b></p> <p><i>Note: Where the exposed face of a retaining wall on a boundary affects a neighbouring property, consent from that adjoining property owner should be obtained. i.e. in the image below, where a DA is lodged on Development Site A which includes a retaining wall on the boundary, consent should also be obtained from Neighbour B.</i></p>	N/A
<p><b>5.3 Local Character and Context</b></p>	
<p><i>Is the proposed development compatible with the existing and desired character of the area?</i></p>	No
<p><i>Is the proposed development sympathetic to nearby and adjoining heritage items/conservation areas?</i></p>	<p style="text-align: center;">Yes</p> 

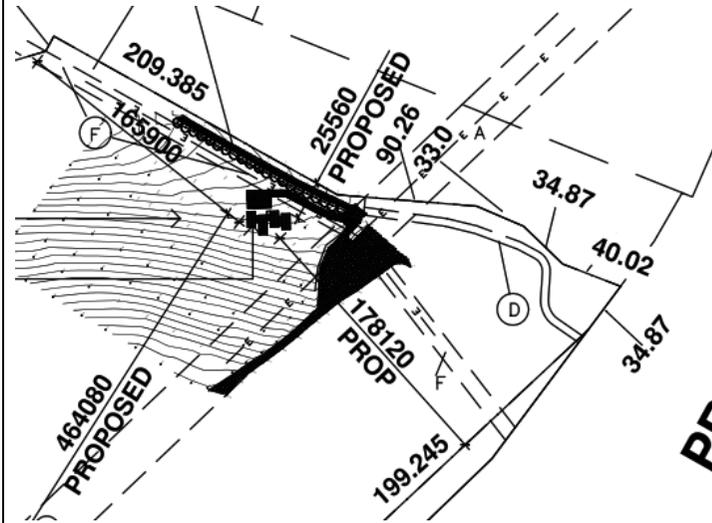
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5.4 Building Form, Design and Materials	
Is the proposed development appropriately designed and articulated?	Yes
Has the application been supported by a material and colour schedule appropriate for the locality?	Yes
5.5 Visual and Acoustic Privacy	
<p>Does the proposed development maintain appropriate visual privacy to adjoining properties?</p> <p>Note: A7.1 identifies direct views between living area windows should be screened or obscured where ground and second storey windows are within 9m of privacy sensitive zone areas of adjacent dwellings and within 12m for third storey and higher windows.</p> <p>Note A7.2 identifies direct views from living area windows should be screened or obscured where they are located within 12m of an adjacent dwellings <u>principal</u> private open space.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Figure 3: Privacy sensitive zone between living area windows</p> </div> <div style="text-align: center;"> <p>Figure 4: Privacy sensitive zone from living area windows to private open space</p> </div> </div>	<p>Yes - Appropriate separation is provided for living area windows</p>
Is external plant equipment appropriately located to minimise noise impacts to neighbouring properties?	Yes
5.6 Solar and Daylight Access	
Does the proposed development incorporate appropriate solar, water and energy efficiencies?	Yes

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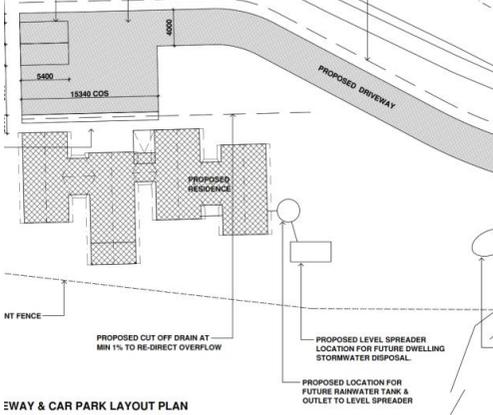
<p>Does the proposed development ensure that at least 3 hours of direct sunlight between 9am and 3pm on June 21<sup>st</sup> of the following is maintained to adjacent dwellings?</p> <ul style="list-style-type: none"> <li>• 10m<sup>2</sup> of private open space</li> <li>• 50% of windows and glazed doors of north facing living areas</li> <li>• Appropriate area of north facing roof and solar collectors</li> </ul> <p>Note: Solar panels often operate on string inverters meaning that the series of solar panels match energy output to the lowest performing solar panel. With this system, if part of any solar panel is overshadowed consistently throughout the day it reduces the overall performance of all solar panels in the array. Consideration should be given accordingly to overshadowing of solar collectors - <a href="#">Solar Inverters: Pros And Cons Of String Inverters Vs. Microinverters</a></p>	<p>Yes</p>
<p><b>5.7 Vehicle and Pedestrian Access</b></p>	
<p>Does the development provide appropriate vehicle and pedestrian access?</p>  <p>LOTS 200 &amp; 204 LOT 303 DP1210569 CT 303/1210569</p> <p>LOTS 201 &amp; 205 LOT 302 DP1210569 CT 302/1210569</p> <p>LOTS 202 &amp; 206 LOT 1 DP1082572 CT 1/1082572</p> <p>LOTS 203 &amp; 207 LOT 2 DP430838 CT 2/430838</p> <p>(A) EASEMENT FOR TRANSMISSION LINE 30'4\"</p>	<p>No</p> <p>Lot 200 DP1219020 does not have legal Right of Way over the adjoining property to access the site –the applicant has indicated an intention for a future ROW easement for access but does not have this issue addressed under the current application.</p> <p>DS13/1212 approved 10/1/14 approved</p> <p>(A) RIGHT OF ACCESS OVER LOT 303 FOR 302 (VARIABLE WIDTH)</p> <p>(B) RIGHT OF ACCESS OVER LOT 302 FOR 303 (VARIABLE WIDTH)</p> <p>(C) TEMPORARY RIGHT OF ACCESS OVER LOT 303 IN FAVOUR OF LOT 302 NORTHERN ACCESS (VARIABLE WIDTH)</p>

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However, this plan does not appear to have been registered

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5.8 Trees and Vegetation	
Does the proposal preserve existing vegetation where practicable and/or replace vegetation (as appropriate)?	N/A
5.9 Servicing	
Are all essential services available to the site?	Unclear what is proposed in relation to electricity
5.10 Water Management and Conservation	
<p>Is water and stormwater management for the development appropriate?</p>  <p>The diagram is a site plan titled 'EWAY &amp; CAR PARK LAYOUT PLAN'. It shows a 'PROPOSED DRIVEWAY' on the right side. A 'PROPOSED RESIDENCE' is located in the center. To the left of the residence is a 'PROPOSED CUT OFF DRAIN AT MIN 1% TO RE-DIRECT OVERFLOW'. Below the residence is a 'PROPOSED LEVEL SPREADER LOCATION FOR FUTURE DWELLING STORMWATER DISPOSAL'. Further down is a 'PROPOSED LOCATION FOR FUTURE RAINWATER TANK &amp; OUTLET TO LEVEL SPREADER'. A 'NY FENCE' is indicated on the left side. Dimensions of 5400 and 18340 GDS are shown. A north arrow is present in the bottom right corner of the diagram.</p>	<p>Yes - The proposal is consistent with the development controls in G12 and G2.</p>
5.11 Waste Management – Demolition and Construction	
Will waste generated from demolition and construction be appropriately managed and disposed of?	Yes - Recommended conditions of consent will require a suitable Waste

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		Management Plan be provided to the Certifier	
<b>6 Dwelling Houses, Rural Worker’s Dwellings and Associated Development</b>			
<b>6.1 Principal Controls</b>			
<b>6.1.1 Density</b>			
The proposed development does not exceed a floor space ratio of 0.5:1 in the R1, R2, R5, RU5 or SP3 zones.		Complies	
<b>6.1.2 Height and Setbacks</b>			
<b>Zone</b>	RU1 Primary Production		
<b>Lot size</b>	23.250 ha		
	<b>Acceptable Solution</b>		<b>Proposed</b>
<b>Building height (peak building height)</b>	11m		5.328m
<b>Front setback</b>	<b>Front setback (to dwellings)</b>	30m	<b>Front setback (to dwellings)</b> >30m
			.
<b>Side setback (s)</b>	10m		>10
<b>Rear setback</b>	7.5m		>7.5m
The proposed development complies with the acceptable solutions and performance criteria. It is considered that the proposal has been appropriately designed and the bulk and scale of the building is compatible with adjoining development and the surrounding area.			

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6.2 Amenity																
6.2.1 Landscaping																
Minimum Landscaped Area	Acceptable Solution	Proposed														
<p><b>Note:</b> The landscaped area excludes any encroachments (i.e. any part of a building or structure), hardstand areas and any areas used for storage, clothes drying, and water tanks.</p> <p><b>Table 3: Minimum landscaped area</b></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Minimum Landscaped Area (of lot area)</th> </tr> </thead> <tbody> <tr> <td>200m<sup>2</sup>–300m<sup>2</sup></td> <td>10%</td> </tr> <tr> <td>&gt;300m<sup>2</sup>–450m<sup>2</sup></td> <td>15%</td> </tr> <tr> <td>&gt;450m<sup>2</sup>–600m<sup>2</sup></td> <td>20%</td> </tr> <tr> <td>&gt;600m<sup>2</sup>–900m<sup>2</sup></td> <td>30%</td> </tr> <tr> <td>&gt;900m<sup>2</sup>–1,500m<sup>2</sup></td> <td>40%</td> </tr> <tr> <td>&gt;1,500m<sup>2</sup></td> <td>45%</td> </tr> </tbody> </table>	Lot Area	Minimum Landscaped Area (of lot area)	200m <sup>2</sup> –300m <sup>2</sup>	10%	>300m <sup>2</sup> –450m <sup>2</sup>	15%	>450m <sup>2</sup> –600m <sup>2</sup>	20%	>600m <sup>2</sup> –900m <sup>2</sup>	30%	>900m <sup>2</sup> –1,500m <sup>2</sup>	40%	>1,500m <sup>2</sup>	45%	45%	>45%
Lot Area	Minimum Landscaped Area (of lot area)															
200m <sup>2</sup> –300m <sup>2</sup>	10%															
>300m <sup>2</sup> –450m <sup>2</sup>	15%															
>450m <sup>2</sup> –600m <sup>2</sup>	20%															
>600m <sup>2</sup> –900m <sup>2</sup>	30%															
>900m <sup>2</sup> –1,500m <sup>2</sup>	40%															
>1,500m <sup>2</sup>	45%															
Does the development provide appropriate landscaping?		Yes														
6.2.2 Private Open Space																
Does the development provide at least 50m <sup>2</sup> of appropriately dimensioned and sited private open space?		Yes														
6.2.3 Storage and Laundry Facilities																
Does the development provide suitable laundry and clothes washing/drying facilities?		Yes														
Does the development provide suitable internal storage areas?		Yes														

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<b>6.2.4 Car Parking</b>	
<i>Does the development provide suitable car parking?</i>	Yes - The proposal is consistent with the development controls in G12 and G21.
<b>6.3 Configuration and Design</b>	
<b>6.3.1 Building Form, Design and Materials</b>	
<i>Has the building been designed to incorporate appropriate building facades and entrances?</i>	Yes
<i>Does the development avoid garage dominated design?</i>	Yes
<b>6.3.2 Detached Habitable Rooms and Studios</b>	
N/A – the application does not include the construction of a detached habitable room/studio.	
<b>6.3.3 Relocation of Second-Hand Dwellings</b>	
N/A – the application does not include relocation of a second-hand dwelling	
<b>6.3.4 Fences and Walls</b>	
N/A – the application does not include the erection of any front boundary fencing.	
<b>6.3.5 Universal Design</b>	
<i>Is the proposed development consistent with the principles of universal design and the <a href="#">Livable Housing Design Guidelines – Silver Level</a> (where required)?</i>	N/A
<b>6.3.6 Waste Management – Bin Storage, Presentation and Collection</b>	
<i>Does the proposed development provide suitable bin storage locations screened or concealed from the street?</i>	Yes

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<p><i>Does the site provide suitable kerbside frontage to enable kerbside bin collection?</i> <i>Note: at least 1m should be provided per waste/recycling bin with a 0.5m separation between each bin.</i></p>	<p>N/A</p>
<p><b>7 Secondary Dwellings</b></p>	
<p>N/A – the application does not include the construction of a secondary dwelling.</p>	
<p><b>8 Ancillary Structures and Non-Habitable Structures on Vacant Land</b></p>	
<p>N/A – The application is for a new dwelling / alterations and additions to an existing dwelling and does not propose the construction of a any ancillary structures.</p>	

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**Appendix A – Assessment Checklist: Chapter G8 – Onsite Sewage Management**

Proposed and Existing Onsite Sewage Management (OSSM) System												
Does the application include installation of a new or alteration to an existing onsite sewage management (OSSM) system?	Yes - Installation of new OSSM system											
If the proposal relies on the capacity of the existing OSSM system, has the application been supported by suitable information demonstrating that the system has capacity for any increased loading?	N/A											
Does the proposal require decommissioning of an existing OSSM system?	N/A											
Is the subject site located within the Sydney Drinking Water Catchment area?	No											
What is the type of proposed effluent treatment? <i>Note: If "other" specify the type of treatment proposed.</i>	Aerated Wastewater Treatment System											
What is the type of proposed effluent disposal? <i>Note: If "other" specify the type of disposal proposed.</i>	Surface spray irrigation											
What is the proposed effluent loading? <i>Note: Equivalent population (EP) means the number of persons deemed to be accommodated on the property (i.e. number of bedrooms or rooms capable of being used as bedrooms).</i> <i>Note: Council generally accepts a loading rate of 150L – 200L per person per day*. Where a proposal is outside this range, loading rates should be discussed with Council's Plumbing and Drainage Team of Environmental Health Officer.</i>	<table border="1"> <thead> <tr> <th>Proposed EP (i.e. number of bedrooms)</th> <th>Proposed Loading (liters/person/day)</th> <th>Proposed Total Loading (liters/day)</th> <th>Is proposed loading acceptable?</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>150 L/person/day</td> <td>1,050 L/day</td> <td>Yes</td> </tr> </tbody> </table>	Proposed EP (i.e. number of bedrooms)	Proposed Loading (liters/person/day)	Proposed Total Loading (liters/day)	Is proposed loading acceptable?	4	150 L/person/day	1,050 L/day	Yes			
Proposed EP (i.e. number of bedrooms)	Proposed Loading (liters/person/day)	Proposed Total Loading (liters/day)	Is proposed loading acceptable?									
4	150 L/person/day	1,050 L/day	Yes									

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<p><i>*Note: For development within the Sydney Drinking Catchment area, wastewater loading rates are <a href="#">Sydney Drinking Water Catchment Guidelines</a>.</i></p> <table border="1"> <thead> <tr> <th></th> <th>1-2 bedrooms</th> <th>3 bedrooms</th> <th>4 bedrooms</th> <th>5 or more bedrooms</th> </tr> </thead> <tbody> <tr> <td>Tank water supply</td> <td>400 L/day</td> <td>600 L/day</td> <td>800 L/day</td> <td>800L/d plus 100L/d for each additional bedroom</td> </tr> <tr> <td>Recalculated / bore supply</td> <td>600 L/day</td> <td>900 L/day</td> <td>1,200 L/day</td> <td>1,200L/d plus 150L for each additional bedroom</td> </tr> </tbody> </table>			1-2 bedrooms	3 bedrooms	4 bedrooms	5 or more bedrooms	Tank water supply	400 L/day	600 L/day	800 L/day	800L/d plus 100L/d for each additional bedroom	Recalculated / bore supply	600 L/day	900 L/day	1,200 L/day	1,200L/d plus 150L for each additional bedroom	
	1-2 bedrooms	3 bedrooms	4 bedrooms	5 or more bedrooms													
Tank water supply	400 L/day	600 L/day	800 L/day	800L/d plus 100L/d for each additional bedroom													
Recalculated / bore supply	600 L/day	900 L/day	1,200 L/day	1,200L/d plus 150L for each additional bedroom													
<p><i>Does the application involve a complex or novel OSSM system?</i></p>		(SIMPLE) 1 - 10 equivalent population (EP). Assessment to be carried out by Assessing Officer.															
<p><i>Does the OSSM system provide suitable disinfection of wastewater?</i> <i>Note: wastewater that has not been disinfected must not be applied to the ground surface.</i></p>		Yes															
<p><i>Are effluent application areas appropriately sized to cater for proposed loading?</i></p>		Yes															
<p><i>Are effluent absorption trenches and absorption beds appropriately dimensioned to comply with Australian Standard <a href="#">AS1547: On-site domestic wastewater management</a>?</i> <i>Note: Table L2 of AS1547 provides typical dimensions of trenches and beds.</i></p>		N/A															
<p><i>Does the application nominate a suitable secondary reserve area of 100% of the designed effluent application area which is available for future use?</i></p>		Yes - Appropriate secondary reserve area is nominated on the plans															
<p><i>Are effluent application areas suitably signposted?</i></p>		Yes - Recommended conditions of consent to be imposed accordingly															
<p><i>Are separate OSSM systems provided for each occupancy/dwelling?</i> <i>Note: Separate OSSM systems and effluent application areas must be provided for each dwelling, secondary dwelling or dwelling within a dual occupancy.</i></p>		N/A															
<p><i>For subdivisions, do allotments have a minimum lot size &gt; 2500m<sup>2</sup></i></p>		N/A															

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<p>For subdivisions, can more than one type of OSSM system be achieved on site?</p>	<p>N/A</p>
<p><b>Buffer Distances</b></p> <p><i>Note: buffer distances are measured as a ground surface flow line and are not based on the closest measured distance. For example, the inclusion of bund walls or diversion drains may be used to increase buffer distances.</i></p> <p><i>Note: <b>Primary treatment</b> means the separation of suspended material from wastewater by settlement and/or flotation in septic tanks, primary settling chamber, anaerobic process of treatment, prior to effluent discharge to either a secondary treatment process, or to a land-application system.</i></p> <p><i>Note: <b>Secondary treatment</b> means anaerobic and aerobic biological processing and settling or filtering of effluent received from a primary treatment unit.</i></p>	
<p>Effluent application areas must not be used as primary recreation areas for the property.</p>	<p>Complies</p>
<p>Where surface spray irrigation is proposed, the effluent application area must be suitably isolated (i.e. fenced off or delineated by a garden bed) and must not be used for recreation purposes.</p> <p><i>Note: Effluent application areas must not be used to grow vegetables for human consumption</i></p> <p><i>Note: The use of effluent for fruit trees shall comply with AS1547</i></p>	<p>Complies - Recommended conditions of consent to be imposed accordingly</p>
<p>Is the OSSM system within vicinity of any oyster aquaculture leases or within vicinity of a priority oyster aquaculture area?</p> <p><i>Note: GIS information of oyster leases and priority oyster aquaculture areas is available on the <a href="#">Fisheries Spatial Data Portal</a>.</i></p> <p><i>Note: The <a href="#">Healthy Estuaries for Healthy Oysters - Guidelines for development near waterways</a> provides a guide and criteria for OSSM systems in the vicinity of oyster aquaculture areas.</i></p>	<p>No</p>
<p>Are effluent application areas sited &gt;100m from any perennial (permanent) watercourse, waterbody (i.e. permanent rivers, streams or lakes)?</p>	<p>Yes</p>

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<p><i>Are effluent application areas sited &gt;100m from any groundwater bores?</i></p>	<p>No</p>
<p><i>Are effluent application areas sited &gt;40m from any intermittent waterways, farm dams or street drainage systems (e.g. gutters, swales, table drains and drainage channels or drainage depressions)?</i></p>	<p>Choose an item.</p>
<p><i>Are effluent application areas setback &gt;1m from the dripline of trees and vegetation?</i></p>	<p>Yes</p>

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<p><u>Surface Spray Irrigation</u> What are the proposed buffer distances for surface spray irrigation?</p>	<table border="1"> <thead> <tr> <th><i>Feature</i></th> <th><i>Required Buffer</i></th> <th><i>Proposed Buffer</i></th> </tr> </thead> <tbody> <tr> <td>Dwellings</td> <td>15m</td> <td>15m</td> </tr> <tr> <td>Swimming pools</td> <td>6m</td> <td>&gt;6m</td> </tr> <tr> <td>Non-habitable buildings</td> <td>6m</td> <td>NA</td> </tr> <tr> <td>Pathways and walkways</td> <td>3m</td> <td>&gt;4m</td> </tr> <tr> <td>Downstream driveways</td> <td>6m</td> <td>&gt;6m</td> </tr> <tr> <td>Upstream driveways</td> <td>3m</td> <td>&gt;3m</td> </tr> <tr> <td>Downstream property boundaries</td> <td>6m</td> <td>&gt;6m</td> </tr> <tr> <td>Upstream property boundaries</td> <td>3m</td> <td>&gt;3m</td> </tr> </tbody> </table>	<i>Feature</i>	<i>Required Buffer</i>	<i>Proposed Buffer</i>	Dwellings	15m	15m	Swimming pools	6m	>6m	Non-habitable buildings	6m	NA	Pathways and walkways	3m	>4m	Downstream driveways	6m	>6m	Upstream driveways	3m	>3m	Downstream property boundaries	6m	>6m	Upstream property boundaries	3m	>3m
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<p><b>Site Constraints</b></p>																												

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<p><i>Does the effluent application area provide adequate depth to groundwater in accordance with Australian Standard AS1547:2012?</i></p>	<p><b>System</b></p>	<p><b>Required Groundwater Depth</b></p>	<p><b>Groundwater Depth</b></p>
	<p>Absorption system</p>	<p>1.2m</p>	<p>Greater than 1.2m as not encountered by auger down to 1.2m.m</p>
	<p>Secondary treated effluent (i.e. disinfection on higher) system measured from the base of the mound system</p>	<p>0.6m</p>	<p>Greater than 1.2m as not encountered by auger down to 1.2m.m</p>
<p><i>Does the effluent application area provide adequate soil depth to bedrock or other confining layer in accordance with Australian Standard AS1547:2012?</i></p>	<p><b>System</b></p>	<p><b>Required Bedrock Depth</b></p>	<p><b>Bedrock Depth</b></p>
	<p>Absorption system</p>	<p>1.2m</p>	<p>Greater than 1.2m as not encountered by auger down to 1.2m.m</p>
	<p>Secondary treated effluent (i.e. disinfection on higher) system measured from the base of the mound system</p>	<p>0.5m</p>	<p>Greater than 1.2m as not encountered by auger down to 1.2m.m</p>
<p><i>Is the effluent application area and wastewater treatment system located above the 5% AEP flood level?</i> <i>Note: Check the Flood Planning Certificate for 5% AEP levels.</i></p>	<p>Yes</p>		
<p><i>Are all electrical components located above the 1% AEP flood level?</i> <i>Note: sealed submerged plumbing facilities may be located below the 1% AEP flood level with appropriate flood protection.</i></p>	<p>Yes</p>		
<p><i>Is the slope under effluent application areas appropriate?</i></p>	<p>Yes - The applicaiton proposes surface irrigation on a slope &lt;12%</p>		

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<p><i>Note: surface spray irrigation should be located on slopes &lt;12%. Where slopes exceed 12% subsurface irrigations should be utilised in areas where site stability is not compromised and surfacing of effluent is not likely to occur.</i></p>	
<p><i>Is stormwater runoff and surface flows directed away from effluent application areas?</i></p>	<p>Yes</p>
<p><i>Will the onsite sewage management system and effluent application areas be installed in accordance with the relevant Australian Standards?</i></p>	<p>Yes - Recommended conditions of consent to be imposed accordingly</p>
<p><i>Does the onsite sewage management system avoid groundwater pollution?</i></p> <p><i>Note: where soils exhibit a high permeability (greater than 3.5m/day), the application needs to demonstrate through further investigation that pollution of groundwater will not occur.</i></p>	<p>Yes - The application has demonstrated that pollution of groundwater is unlikely to occur</p>
<p><i>Is the land capable of disposing of effluent during times of wet weather?</i></p>	<p>Yes - The land applicaiton area is not considered to become saturated on a frequent basis.</p>

**Appendix B – 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:

<p><b>Cl4.6 Exception to the Shoalhaven Local Environmental Plan 2014</b></p>
<p><b>Development Standard</b></p>

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**4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones**

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

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in certain rural, residential and conservation zones,
- (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone R5 Large Lot Residential,
- (e) Zone C2 Environmental Conservation,
- (f) Zone C3 Environmental Management,
- (g) Zone C4 Environmental Living.

(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—

- (a) is a lot that has at least the minimum lot size shown on the *Lot Size Map* in relation to that land, or
- (b) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or

**Extent of proposed departure from development standard**

<i>LEP clause</i>	<i>Numerical Standard</i>	<i>Proposed Solution</i>	<i>Numerical Departure</i>	<i>% Departure</i>
4.2D (3)(a)	40ha	23.250 ha	16.75 ha	41.875%

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**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:

***Extract from applicant's clause 4.6 statement prepared by Allen Price (Ref N25640) and dated 5 May 2025 (TRIM Ref D25/305948)***

This Clause 4.6 Statement has been prepared by Allen Price on behalf of Gavin Rogers in support of a Development Application (DA) for a proposed dwelling and ancillary driveway access on Lot 200 DP1219020 – B 270 Princes Highway Jaspers Brush. It is submitted to Shoalhaven City Council (Council) and relates to the proposed variation of the minimum lot size development standard that applies to the land pursuant to Clause 4.2D(3) the Shoalhaven LEP 2014 (LEP).

This subject DA proposes to:

- Construct a new dwelling and ancillary driveway access on the land.

The proposed dwelling has been designed and located to promote the existing and continued use of the site for viable agricultural activities, based on an exhaustive site selection process that considered flood behavior on the land, retention and minimal impact upon productive agricultural lands, minimizing the construction of additional access on the site and clustering of the development with existing site infrastructure.

The five methods outlined in Wehbe include:

- 1) The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- 2) The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- 3) The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- 4) The development standard has been virtually abandoned or destroyed by the Council's of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- 5) The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Of particular assistance in this matter in establishing that compliance with a development standard is unreasonable or unnecessary is 'Method 1' and 'Method 4'.

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4.0 – JUSTIFICATION FOR THE PROPOSED VARIATION

Clause 4.6 of the Shoalhaven LEP 2014 provides Council with the flexibility to assess and determine DAs which do not strictly comply with development standards.

Section 1.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) lists the items (not limited to) that are considered to be development standards and are listed below.

- 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,
- b) the proportion or percentage of the area of a site which a building or work may occupy,
- c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- d) the cubic content or floor space of a building,
- e) the intensity or density of the use of any land, building or work,
- f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- h) the volume, nature and type of traffic generated by the development,
- i) road patterns,
- j) drainage,
- k) the carrying out of earthworks,
- l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- m) the provision of services, facilities and amenities demanded by development,
- n) the emission of pollution and means for its prevention or control or mitigation, and
- o) such other matters as may be prescribed.

Accordingly, we set out below the justification for a departure to the minimum lot size development standard applicable under Clause 4.2D(3)(a)- Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones of the Shoalhaven LEP 2014.

Clause 4.6 of Shoalhaven LEP 2014 provides for a variation to a development standard under certain circumstances. The objectives of Clause 4.6 (1) are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

These elements which must be satisfied under Clause 4.6 are jurisdictional, that is if a proposal does not meet all of these requirements, development consent cannot be granted by the consent authority. This report demonstrates that both these prerequisite elements are demonstrated by this report and consent can be granted by Council.

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4.1 CLAUSE 4.6(1)(A)

*Provide an appropriate degree of flexibility in applying certain development standards to particular development*

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, Clause 4.6(3) requires that the consent authority consider a written request from the Applicant, which demonstrates that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

This report seeks to provide the written request document setting out the grounds on which to demonstrate that the matters outlined in paragraphs (a) and (b) are met.

In *Wehbe v Pittwater Council [2007] NSWLEC 827* Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. However, it was not suggested that the types of ways were a closed class.

While *Wehbe* related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under Clause 4.6 where subclause 4.6(3)(a) uses the same language as Clause 6 of SEPP 1 (see Four2Five at [61] and [62]).

As the language used in subclause 4.6(3)(a) of the Kiama LEP 2011 is the same as the language used in Clause 6 of SEPP 1, the principles contained in *Wehbe* are of assistance to this Clause 4.6 variation request.

The five methods outlined in *Wehbe* include:

- 1) The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- 2) The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- 3) The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- 4) The development standard has been virtually abandoned or destroyed by the Council's of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- 5) The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Of particular assistance in this matter in establishing that compliance with a development standard is unreasonable or unnecessary is 'Method 1' and 'Method 4'.

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4.2 ASSESSMENT OF PROPOSED VARIATION TO CLAUSE 4.2D(3) UNDER 'METHOD 1'.  
*The underlying objectives or purposes of the development standard are achieved notwithstanding non-compliance with the standard.*

The objectives in 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones have been considered in Table 1.

Table 1: Objectives 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones

Objective	Response
(a) to minimise unplanned rural residential development,	<p>The SLEP 2014 does not define what is meant by Clause 4.2D(1)(a) by the term "unplanned rural residential development".</p> <p>In this regard it should be noted that Espinosa C outlined in <i>Sharp v Kiama Municipal Council [2024] NSWLEC 1360</i>, a planned outcome can be in accordance with the provisions of the LEP, and those provisions include development standards which may be contravened provided that the contravention is justified pursuant to the terms of cl 4.6 of the LEP.</p> <p>Unplanned rural residential development occurs when the existing and continued viability of rural land is eroded by residential development that reduces the area of rural land, limits clear opportunities for amalgamation of larger rural land holdings, and detracts from rural uses due to potential rural residential conflict.</p> <p>With reference to subclause (a), the plan (Shoalhaven LEP 2014) commenced on 8 April 2014. As evident in the "Site History" section of this submission, Portion 233 of DP6131 was created prior to 8 April 2014 (Shoalhaven LEP 2014 commencement) and is therefore "a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement". Whilst two dwellings were subsequently been erected on Portion 233, concessional lot entitlements that applied under the Shoalhaven LEP 1985 prior to the gazettal of the "Rural Plan" in 1999 (Amendment 127). Prior to the gazettal of Amendment 127, the subject holding enjoyed an entitlement that would have enabled the creation of three concessional lots and one residue lot. Whilst it could be said that two of these concessional lots have been erected with the establishment of the concessional lot under SF10359 property, this would still leave one concessional lot that would be available had it not been taken away by the gazettal of Amendment 127.</p> <p>Therefore, as the proposed dwelling is consistent with the historic concessional lot arrangements for the land and has been designed and located to promote the existing and continued use of the site for viable agriculture (including turf farming), the proposed development is not an unplanned rural residential development outcome.</p> <p>Such a justified contravention of a development standard is a planned outcome.</p> <p>A dwelling on the subject site would only be unplanned development if the consent authority were to conclude that the minimum lot size for the erection of a dwelling provided for in cl 4.2D of the LEP were a prohibition, or in the alternative, if the minimum lot size is a development standard, a dwelling would be unplanned if</p>

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	<p>there were no cl 4.6 written request or the cl 4.6 written request were deficient.</p> <p>The satisfaction of the terms of cl 4.6 is a jurisdictional prerequisite which adds weight to any conclusion that the grant of consent to the erection of a dwelling on an RUI Primary Production lot less than 40ha may be a planned outcome.</p> <p>It is considered the proposal will not involve "unplanned rural residential development" and not withstanding non-compliance with the standard the objective is achieved.</p>
(b) to enable the replacement of lawfully erected dwelling houses in certain rural, residential and conservation zones,	<p>The proposal does not include the replacement of a lawfully erected dwelling house and is not inconsistent with this objective.</p>
(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.	<p>The subject land is not located within the R5 Large Lot Residential zone and this objective is not applicable to this proposal.</p>

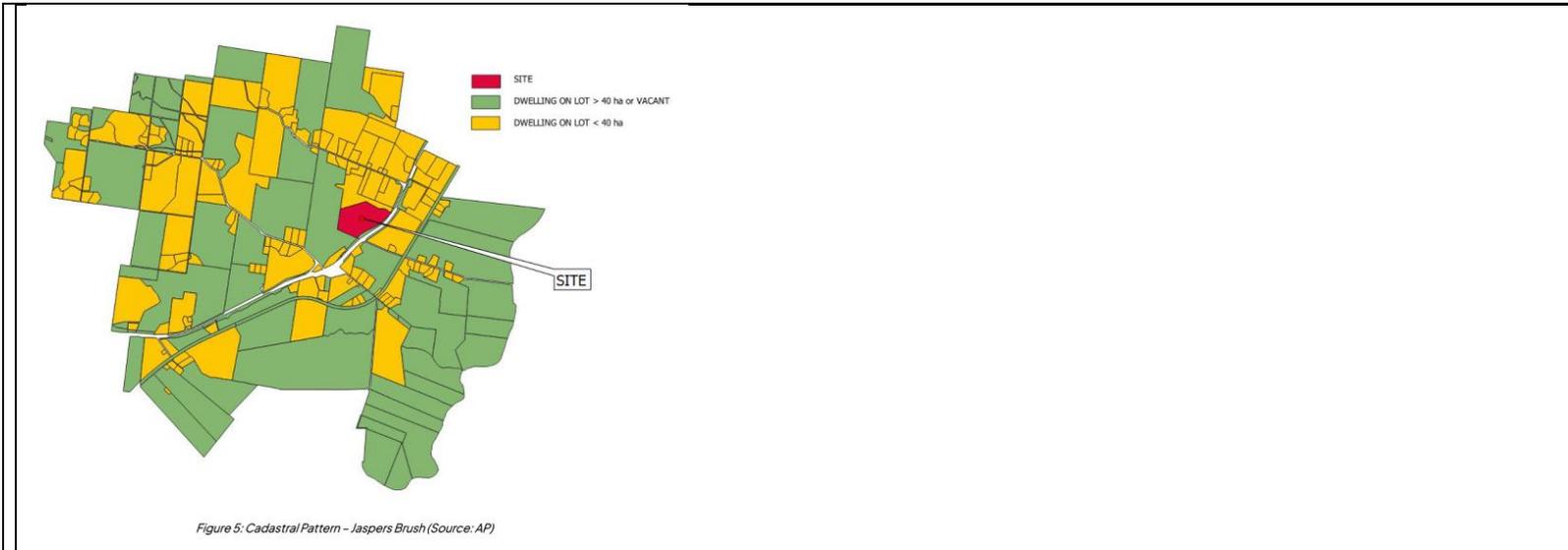
Under the above circumstances and having regard to the first 'test' set by the "Wehbe" case and which Preston CJ references in Initial Action, the objectives detailed in Clause 4.2D(3)(a) will be achieved notwithstanding non-compliance with this development standard, and hence strict compliance with this development standard is unnecessary.

**4.3 ASSESSMENT OF PROPOSED VARIATION TO CLAUSE 4.2D(3) UNDER 'METHOD 4'.**  
*The development standard has been virtually abandoned or destroyed by the Council's actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

Early settlement and development of Berry and its surrounds, and also the subsequent history of planning provisions that have applied within the Shoalhaven City Council, the locality is one that contains lawfully erected dwelling houses on a variety of allotment sizes, with many of the allotments containing dwelling houses having lots sizes less than 40 hectares in area.

Within the suburb of Jaspers Bursh, there are at least 150 separate allotments which comprise of areas less than 40 hectares and contain erected dwelling houses (refer Figure 5 below). In effect and having regard to the fourth 'test' set by the Wehbe case and which Preston CJ references in Initial Action, Council has essentially abandoned application of the minimum 40 ha lot size development standard in this locality. The majority of lots which contain dwelling houses within the vicinity of the subject site are lots that are less than the 40-hectare lot size minimum specified by Clause 4.2D(3)(a). In particular, it is within the direct vicinity of the site that the most contiguous cadastral pattern of undersized lots is located. Under these circumstances it is considered that strict compliance with this development standard is unreasonable.

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**Assessing Officer Commentary**

**Unreasonable or Unnecessary**

The Applicant’s clause 4.6 exception statement does not demonstrate that compliance with the development standard set out in clause 4.2D(3)(1) under the specific circumstances associated with this case, would be unreasonable and unnecessary; that there are environmental planning grounds to justify the contravention of this development standard; and that the proposal is in the public interest. Council assessment staff do not concur with the justification set out in the submitted clause 4.6 exception statement. The following points are made in response to the Applicant’s commentary:

With regard to the objective (a) clause 4.2D establishes a minimum lot size (or other criteria) for dwelling entitlements in rural zones with the objective of minimising unplanned rural residential development.

It is noted that in the application and assessment of **SF9980** it was made clear in the Statement of Environmental Effects – State Environmental Planning Policy No. 1 Objection that the grounds for objection to the 40ha development standard were:

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1. **“with regard to the Aims of SEPP No.1, this proposal does not hinder or compromise Section 5(a)(i) or (ii) of the Environmental Planning & Assessment Act, 1979 as it promotes the proper management and development of rural land by allowing the creation of an allotment under Clause 11(3) for a turf farm.”**

It was clear that the subdivision of the land that resulted in the creation of the subject allotment, that Lot 200 DP 1219020 would not have a dwelling entitlement.

**Clause 11(3)(a) from Shoalhaven LEP 1985 which applied at the time of determination of SF9980 read as follows:**

- (3) *The Council may grant consent for a subdivision of land to which this clause applies (except land within Zone No 7 (d2) or 7 (f2)) so as to create an allotment of less than 40 hectares if the Council is satisfied that—*
- (a) *the allotment proposed to be created is currently lawfully used for a purpose (other than agriculture, forestry, a dwelling-house or dwellings, or tourist accommodation under clause 20) for which it may be used without or only with the consent of the Council, or will be used for such a purpose before the plan of subdivision or strata plan is registered, and .....*

The justification by the applicant does not demonstrate that compliance with the development standard are unnecessary or unreasonable having regard to the test set out in *Wehbe v Pittwater Council 2007*. The following comments are provided with regard to the “Wehbe tests”:

1. The justification does not demonstrate that the **objectives of the development standard are achieved** notwithstanding non-compliance with the development standard. To this point, Council assessment staff are not satisfied that the clause 4.2D objective “*to minimise unplanned rural residential development*” is achieved. The proposed development of an allotment which does not satisfy the criteria in 4.2(3) would contribute to unplanned rural residential development and would set an undesirable precedent for the erection of dwellings on other undersized lots in rural zones. The proposal could have adverse impacts that would be inconsistent with the Shoalhaven LEP 2014. Unplanned development occurs when the existing and continued viability of rural land is eroded by residential development. For development on smaller lots to be considered, this should be done in a planned way through the strategic planning process. The conversion of land zoned for agricultural or rural use to primarily residential use without proper planning will lead to scattered housing on large rural lots. This type of development can create challenges for agricultural activities reducing the area of viable agricultural land and limits opportunities for amalgamation of larger rural land holdings into the future.
2. The justification does not establish that **the underlying objective or purpose of the development standard is not relevant** to the development, such that compliance is unnecessary. Council staff are not satisfied that the clause 4.2D objective “*to minimise unplanned rural residential development*” is achieved through the development and its noncompliance with the development standard.
3. The justification does not establish that **the underlying object or purpose of the development standard would be defeated or thwarted if compliance is required**, such that compliance becomes unreasonable. It is the assessment staff view that the underlying purpose of the clause is to promote the orderly and economic use and development of land. The proposed development and noncompliance with the 4.2D

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development standard is contrary to the purpose of the development standard and also the objectives of the Environmental Planning and Assessment Act 1979, in that it facilitates unplanned rural residential development in areas not designed to do so.

4. The justification does not demonstrate that the **development standard has been virtually abandoned or destroyed** by Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. The applicant contends that Council abandoned application of the minimum 40ha lot size development standard as there are many allotments containing dwelling houses having lot sizes less than 40ha in the area, therefore, Council has essentially abandoned the minimum 40ha lot size development standard. Historically, in New South Wales, concessional small rural land parcels were created with the intention of supporting the farmer or their families, while still maintaining the primary agricultural use of the land. Current legislation removed this provision from local environmental plans (LEPs) for agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land and to minimise land use conflicts and fragmentation of rural lands. SF9980 made it clear that the subdivision and creation of Lot 200 DP 1219020 would not result in the creation of a dwelling entitlement and the land was not intended for residential use. There have been multiple attempts to vary the minimum lot size standard under the former SEPP 1 process for this property over the years that have been refused by the Department of Planning.

5. The justification does not establish that the zoning of the land is unreasonable or inappropriate so that a **development standard appropriate for that zoning is also unreasonable or unnecessary** as it applied to the land and hence compliance with the standard would be unreasonable or unnecessary (ie the subject allotment should not have been included in the zone it is located in). The subject land is surrounded by RU1 zoned land and consistent with the approved land use 'Turf Farm'.

**Sufficient Environmental Planning Grounds**

The Applicant's clause 4.6 statement contends that strict compliance with the provisions of clause 4.2D(3) under the specific circumstances associated with this case, would be unreasonable and unnecessary; that there are environmental planning grounds to justify the contravention of this development standard and that the proposal is in the public interest.

Council assessment staff do not agree with the applicant's justification and are of the view that the development and noncompliance with the development standard is contrary to the objects of the Environmental Planning and Assessment Act 1979. The proposal does not promote the orderly and economic use and development of land, in that the proposal facilitates unplanned rural residential development in areas not designed to do so.

The applicant argues that the dwelling can be established with minimal impact on the land and that the dwelling is "clustered" with existing development on the site and will not fragment agricultural land. However, the proposed new dwelling, buffer distances required between dwellings and turf farming, associated access and onsite effluent will in-fact reduce the area of the turf farm by approximately 1.5ha.

The application has not demonstrated that there are sufficient environmental planning grounds to justify contravening the clause 4.2D development standard.

**Public Interest**

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Clause 4.6 (4)(a)(ii) requires that Council be satisfied that the proposed development will be in the public interest because it is consistent with the development standard objectives and the objectives of the zone.

The development site is zoned RU1 Primary Production. The objectives of the RU1 Primary Production zone are:

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

The objectives of 4.2D are:

- to minimise unplanned rural residential development,
- to enable the replacement of lawfully erected dwelling houses in certain rural, residential and conservation zones,
- to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.

The proposal is not considered to be consistent with the objectives of clause 4.2D of Shoalhaven LEP 2014 insofar as that the development would contribute to unplanned rural residential development.

The proposed development is not considered to be in the public interest.

Department of Primary Industries  
and Regional Development



OUT25/13080

Shoalhaven City Council  
PO Box 42,  
Nowra NSW 2541

[planning.apps@planning.nsw.gov.au](mailto:planning.apps@planning.nsw.gov.au)

Attention:

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**Proposed dwelling and ancillary access, (Lot 200 DP1219020, B270 Princes Highway, Jaspers Brush, DA2025/1836)**

Thank you for your referral via the NSW Planning Portal on 8 September 2025 and the opportunity to provide advice on the proposed dwelling and ancillary access at lot 200, DP1219020 (B270 Princes Highway, Jaspers Brush).

The NSW Department of Primary Industries and Regional Development, Agriculture and Biosecurity (the Department) collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

The Department's advice is guided by section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires a consent authority to evaluate a project's potential environmental, social, and economic impacts, as well as the public interest. Sections 1.3(a) and (b) of the EP&A Act emphasise facilitating ecologically sustainable development in land use decision-making. This promotes responsible resource management that benefits present and future generations.

The Department understands that the proposal is to construct a dwelling on a lot (23.25ha) that is below the required 40ha minimum lot size (MLS) under clause 4.2D(3)(a) of the Shoalhaven Local Environmental Plan 2014 (LEP). Contravention of a development standard (under 4.6(3)(a) and (b) of the LEP) is permitted if the following clauses of the LEP are satisfied:

*cl 4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and  
cl 4.6(3)(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Department has reviewed the documents provided concerning the above proposal and considered potential impacts on agricultural land and agricultural production. The Department considers that the proposed dwelling on the subject land is not consistent with the above clauses of the LEP. The Department does not support the proposal for the following reasons.

**Agricultural land**

Compliance with the development standard of 40ha is both reasonable and necessary and is justified on environmental planning grounds of agricultural quality.

The site has a land and soil capability (LSC) of class 3 and class 5 under the Land and Soil Capability Assessment Scheme (Second Approximation). Land capability refers to the inherent physical potential of the land to support

various uses and management practices over the long term, without causing degradation to soil, land, air, and water resources. This classification is based on an assessment of the land's biophysical characteristics and provides insights into the agricultural land uses best suited to the area.

LSC Class 3 land is land that is suited for grazing or pasture improvement, with some cultivation possible and moderate limitations. Class 5 land is moderate–low capability land that has high limitations for high-impact land uses. Land use is largely restricted to grazing, some horticulture (orchards), forestry and nature conservation however it is still a valuable agricultural resource.

The land is mostly situated on class 3 land and is currently used for turf farming as part of a larger turf farm. Class 3 land is the highest class of agricultural land in the Shoalhaven local government area (LGA) and with only 4% of land mapped as Class 3, it is considered to be a very limited resource. The proposal may cause the removal of approximately 23.25ha of the Class 3 agricultural land.

The land is also partly mapped as State Significant Agricultural Land (SSAL) on the preliminary draft SSAL map, which correlates with the Class 3 LSC land. In the broader context, the SSAL that incorporates the subject site, extends across the surrounding agricultural lands to the south, and is also contiguous with extensive SSAL extending to the northeast to Berry and southeast to Mayfield.

#### Other Impacts to Agriculture

The following addresses issues raised in the Statement of Environmental Effects, prepared by Allen Price, dated 21 May 2025:

1. Land use conflicts

The Department does not agree that the proposal will not cause land use conflicts as submitted by the applicant.

The existing turf farm (that incorporates the subject land) could be adversely restricted in their production, if a new sensitive land use, such as a dwelling is introduced. There is a high potential for land use conflicts between the residence proposed and agriculture on the remaining land. Values of residences and farmers differ, with residents often dissatisfied with the noise, dust, odour and chemical sprays from the normal operations of farms, with farms often required to address those issues, often at considerable cost.

2. Farm fragmentation

The Department does not agree that the proposal will not cause fragmentation of the existing farm operations as submitted by the applicant.

While fragmentation is not caused by subdivision in this instance (as the lot is already stand-alone), the dwelling house addition on the lot, in potentially separate ownership, could have a similar fragmentation effect, because the property could be sold or rented under separate title and the lot will be separated from the existing turf farm operations.

3. Better management with a permanent residence

The Department does not agree that the addition of a permanent residence will result in better management of the existing farm operations as submitted by the applicant.

A permanent residence on the subject land will not guarantee continued agricultural use of the land. The more likely scenario is that the prime agricultural land will be converted to lifestyle purposes resulting in the fragmentation of the turf farm and the removal of high-quality agricultural land from production.

4. Clustering the dwelling on the farm

The Department does not agree that the clustering the dwelling into the north east corner of the lot will result in maintaining the farm in agricultural production.

Clustering the development into the northwest corner of the subject land may not assist in maintaining the land in agricultural production. While clustering enables greater versatility of farm operations, land

use conflicts with surrounding agriculture and potential severance from the remaining turf farm (as above) is still an issue, resulting in a negative impact on agriculture.

5. The proposed dwelling is consistent with the historic concessional lot arrangements for the land.

The Department does not consider that concessional lots, not taken up in the past, are a reason to justify a dwelling house on the subject land.

Concessional lots that were part of the Interim Development Order – Shoalhaven, ceased in 1985. Additionally, the State Environmental Planning Policy (Rural Lands) 2008 (Rural SEPP) changed the law in December 2008 to cease new concessional lot subdivision. Any proposed dwelling application requires approval under the current LEP.

#### Strategic Planning

The Department understands that Shoalhaven LGA has significant pressure for dwelling houses on rural zoned land in the Shire and that it has the potential to have a considerable cumulative impact on agriculture in the LGA. The development of a Rural Landuse Strategy would enable a comprehensive appraisal of agricultural land across the LGA to ensure that the highest quality agricultural land is protected, and that the social, financial and physical aspects of the agricultural contribution to the community and cumulative impacts from any loss of agricultural land are clearly understood.

Should you require clarification on any information contained in this response, I have arranged for Wendy Goodburn, Agricultural Land Use Planning Officer, to assist you. Wendy can be contacted by phoning 0402 069 605 or by email at [landuse.ag@dpird.nsw.gov.au](mailto:landuse.ag@dpird.nsw.gov.au).

Sincerely

Group Director, Climate & Natural Resources  
Agriculture and Biosecurity

8 October 2025



Address all correspondence to: The Chief Executive Officer,  
PO Box 42, Nowra NSW 2541 Australia  
[shoalhaven.nsw.gov.au/contact](http://shoalhaven.nsw.gov.au/contact) | 1300 293 111

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au)    

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Application number	DA2025/1836
Applicant	
Description of development	Proposed Dwelling and ancillary access
Property	B270 Princes Hwy JASPERS BRUSH- Lot 200 DP 1219020
Determination	Refusal
Date of determination	<b>#[Consent Start Date#]</b>

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by way of refusal.

**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#]**

## REASONS FOR REFUSAL

1. The proposed development does not achieve the minimum lot size required for a dwelling on RU1 Primary Production land. The applicant has not demonstrated that compliance with the development standard is either unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

Insufficient information has been provided demonstrating that the proposed dwelling does not conflict between residential land use and rural land use, or that adequate arrangements are available or that adequate arrangements have been made to make them available for suitable vehicular access prior to determination. The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use. The development is therefore contrary to the following planning provisions:

### Shoalhaven Local Environmental Plan 2014

- a) Clause 4.2D (1)
  - b) Clause 4.2D (3)
  - c) Clause 4.6 (3) - Exceptions to development standards
  - d) Clause 5.16 (1)
  - e) Clause 7.11(1)(d)
2. The proposed dwelling is in conflict with the approved subdivision for a Turf Farm under SF9980. The development is therefore contrary to the following planning provisions:

### Shoalhaven Local Environmental Plan 1985

- a) Clause 11(3)
3. The proposed dwelling contravenes the SEPP 1 concurrence advice for SF9980 which did not support any dwelling entitlement being provided for Lot 303 (now identified as Lot 200 DP 1219020).
  4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, having regard to the above matters to address the relevant provisions of Environmental Planning and Assessment Act, 1979, the granting of development consent is not considered to be in the public interest.
  5. Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the Department of Primary Industries and Regional Development, Agriculture and Biosecurity (the Department) considers that the proposed dwelling on the subject land is not

consistent with the above clause of the LEP. The Department does not support the proposal for the following reasons.

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*The site has a land and soil capability (LSC) of class 3 and class 5 under the Land and Soil Capability Assessment Scheme (Second Approximation). Land capability refers to the inherent physical potential of the land to support various uses and management practices over the long term, without causing degradation to soil, land, air, and water resources. This classification is based on an assessment of the land's biophysical characteristics and provides insights into the agricultural land uses best suited to the area.*

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**5. The proposed dwelling is consistent with the historic concessional lot arrangements for the land.**

*The Department does not consider that concessional lots, not taken up in the past, are a reason to justify a dwelling house on the subject land.*

*Concessional lots that were part of the Interim Development Order – Shoalhaven, ceased in 1985. Additionally, the State Environmental Planning Policy (Rural Lands) 2008 (Rural SEPP) changed the law in December 2008 to cease new concessional lot subdivision. Any proposed dwelling application requires approval under the current LEP.*



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**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Application number	DA2025/1836
Applicant	
Description of development	Rural Dwelling
Property	270B Princes Highway JASPERS BRUSH – Lot 200 DP 1219020
Determination	Approval
Date of determination	<b>#[Consent Start Date#]</b>
Date from which the consent operates	<b>#[Consent Start Date#]</b>
Date on which the consent lapses	<b>#[Consent End Date#]</b>

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**

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**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.

<b>GENERAL CONDITIONS</b>																																																		
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<b>1.</b>	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5"><b>Approved Plans</b></th> </tr> <tr> <th><b>Plan Number</b></th> <th><b>Revision Number</b></th> <th><b>Plan Title</b></th> <th><b>Drawn by</b></th> <th><b>Date of Plan</b></th> </tr> </thead> <tbody> <tr> <td>N25640-04</td> <td>Rev E</td> <td>Site Plan</td> <td>Allen Price &amp; Scarratts</td> <td>05/08/25</td> </tr> <tr> <td>Job 634</td> <td>04-A</td> <td>Proposed driveway &amp; car park layout</td> <td>Craig Johnson Design</td> <td>22/04/25</td> </tr> <tr> <td>Job 634</td> <td>05-A</td> <td>Concept Stormwater Plan</td> <td>Craig Johnson Design</td> <td>22/04/25</td> </tr> <tr> <td>Job 634</td> <td>07-A</td> <td>Floor Plan</td> <td>Craig Johnson Design</td> <td>22/04/25</td> </tr> <tr> <td>Job 634</td> <td>08-A</td> <td>Roof Plan</td> <td>Craig Johnson Design</td> <td>22/04/25</td> </tr> <tr> <td>Job 634</td> <td>09-A</td> <td>Northern Eastern &amp; Southern Elevations</td> <td>Craig Johnson Design</td> <td>22/04/25</td> </tr> <tr> <td>Job 634</td> <td>10-A</td> <td>Section AA BB CC &amp; DD</td> <td>Craig Johnson Design</td> <td>22/04/25</td> </tr> </tbody> </table>				<b>Approved Plans</b>					<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Date of Plan</b>	N25640-04	Rev E	Site Plan	Allen Price & Scarratts	05/08/25	Job 634	04-A	Proposed driveway & car park layout	Craig Johnson Design	22/04/25	Job 634	05-A	Concept Stormwater Plan	Craig Johnson Design	22/04/25	Job 634	07-A	Floor Plan	Craig Johnson Design	22/04/25	Job 634	08-A	Roof Plan	Craig Johnson Design	22/04/25	Job 634	09-A	Northern Eastern & Southern Elevations	Craig Johnson Design	22/04/25	Job 634	10-A	Section AA BB CC & DD	Craig Johnson Design	22/04/25	<p>To ensure compliance with the approved plans and documents.</p>
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	Job 634	11-A	Basix	Craig Johnson Design	22/04/25	
	-	-	External Colour Schedule	Craig Johnson Design	-	
<b>Approved Documents</b>						
	<b>Document title</b>	<b>Version number</b>	<b>Prepared by</b>	<b>Date of document</b>		
	Bushfire Assessment Report	I-24062	Bushfire & Evacuation Solutions	6 Aug 2024		
	Basix Certificate	Cert. BSX-26889S_02	Craig Johnson	22/04/2025		
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.						
<b>2.</b>	<b>Bushfire - Building works residential</b> New construction must comply with: a) The report submitted by Bushfire & Evacuation Solutions dated 6 August 2024. b) Planning for Bush Fire Protection 2019 c) AS3959 Construction of Buildings in Bushfire Prone Areas d) BAL-19, except where modified by Planning for Bush Fire Protection 2019 including all NSW variations					To ensure compliance with applicable bushfire controls.
<b>3.</b>	<b>Concurrence and Referral</b> The advice/General Terms of Approval issued by Endeavour Energy, Reference No: CNR-84745, dated 30 July 2025 are included as conditions of this consent and must be complied with.					To ensure compliance with external concurrence and referral advice.
<b>4.</b>	<b>Existing Infrastructure</b> 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</i>					To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.

	<i>affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i>	
<b>5.</b>	<b>Prescribed Conditions</b> The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i> , as applicable.	To ensure compliance with prescribed conditions.
<b>6.</b>	<b>Scope of Consent</b> 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.	To establish the scope of the development consent.
<b>7.</b>	<b>Shoalhaven Water – Compliance with Conditions</b> 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.	To ensure compliance with Shoalhaven Water requirements.
<b>DEMOLITION WORK</b>		
Before Demolition Work Commences		
CONDITIONS		REASON
<b>8.</b>	<b>Demolition - Asbestos Removal</b> Asbestos removal must be carried out in accordance with AS2601-2 <a href="#">SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]</a> and as applicable, by a person holding the relevant licence issued by SafeWork NSW.  A licence is not required to remove less than 10m <sup>2</sup> of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m <sup>2</sup> .  Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.  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  Post asbestos removal and before further work on the site, the following must be submitted to the Certifier:	To ensure demolition works are carried out appropriately.

	<p>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.</p> <p>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.</p> <p>c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.</p>	
<b>9.</b>	<p><b>Demolition - Decommissioning of Services</b></p> <p>Before demolition work commences:</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>	<p>To ensure services are appropriately decommissioned and capped off where required.</p>
<b>10.</b>	<p><b>Erosion and Sediment Controls – Implementation</b></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>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>
<b>11.</b>	<p><b>Waste Management Plan</b></p> <p>Before the commencement of any site works, a waste management plan for the development must be provided to the Certifier.</p>	<p>To ensure an appropriate waste management plan is provided.</p>

<b>DEMOLITION WORK</b>		
During Demolition Work		
CONDITIONS		REASON
<b>12. Demolition - Completion of Works</b>	Demolition work, once commenced, must be completed within three (3) months.	To ensure demolition works are completed within an acceptable timeframe.
<b>13. Demolition - Standards</b>	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.
<b>BUILDING WORK</b>		
Before Issue of a Construction Certificate		
CONDITIONS		REASON
<b>14. Council Approvals - Evidence</b>	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.
<b>15. Legal and Practical Access</b>	Before the issue of a Construction Certificate, suitable legal and practical access to Lot 200 DP 1219020 must be made and evidence submitted to Council's Development Services Manager or delegate.  The required evidence will comprise an easement and s88B instrument for vehicular access over lot 201 DP1219020 benefitting Lot 200 DP 1219020 registered with NSW Land Registry Services (LRS).	To ensure compliance with clause 7.11 Essential services of Shoalhaven Local Environmental Plan 2014
<b>16. Demolition – Existing Farmhouse</b>		To ensure the existing farmhouse is demolished in

	Before the issue of a Construction Certificate, evidence must be submitted to Council's Development Services Manger the original farmhouse on the site has been demolished.	accordance with this consent.
17.	<p><b>Contamination Land Assessment &amp; Remediation Report</b></p> <p>Before the issue of a Construction Certificate, evidence must be submitted to Council's Lead – Environmental Health, a detailed contamination land assessment and remediation report is required to identify the extent and level of any soil and groundwater contamination, assesses risk and recommend remediation if necessary in accordance with <i>State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land</i>.</p>	To ensure the risk of potential contaminates has been considered and addressed.
18.	<p><b>Property Management Plan (PMP)</b></p> <p>Before the issue of a Construction Certificate the applicant must submit to Council's Development Services Manager for approval a PMP that demonstrates how any environmental impacts such as spray drift from pesticide/herbicide and dust from the turf farm operations meets the appropriate separation buffers from the proposed dwelling and the appropriate buffer distance from the proposed onsite effluent system meets the required buffer distances from the operational turf farm.</p>	To ensure adequate separation distance is provided in accordance with Department of Primary Industry standards
19.	<p><b>Noise Impact Assessment</b></p> <p>Before the issue of a Construction Certificate the applicant must submit to Council's Lead – Environmental Health that the building design meets the requirements of a suitably qualified and experienced noise consultant.</p> <p>The report must demonstrate that the LAeq noise levels for the constructed dwelling will not exceed -</p> <ul style="list-style-type: none"> <li>a) in any bedroom in the residential accommodation – 35dB(A) at any time between 10.00pm and 7.00am,</li> <li>b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</li> </ul> <p>in accordance with <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 Infrastructure Division 17 Roads and traffic</i></p>	To ensure the proposed development is appropriate with regard to road noise and vibration.
20.	<p><b>Erosion and Sediment Controls - Erosion and Sediment Control Plan</b></p>	To ensure an appropriate Erosion and Sediment Control

	<p>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 defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All plans must include:</p> <ol style="list-style-type: none"> <li>Site access location and stabilisation details and restrictions;</li> <li>Erosion control locations and types;</li> <li>Sediment control locations and types;</li> <li>Soil, water and drainage management plans;</li> <li>Site rehabilitation details;</li> <li>Inspection and maintenance details;</li> <li>Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned;</li> <li>Existing and final contours (clearly distinguished and adequately annotated);</li> <li>Standard construction drawings for proposed soil, water and drainage management measures.</li> <li>All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO).</li> </ol> <p>All implemented measures must:</p> <ol style="list-style-type: none"> <li>not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</li> <li>be maintained at all times.</li> <li>not be decommissioned until at least 70% revegetation cover has been established.</li> </ol>	<p>Plan has been prepared.</p>																					
<p><b>21.</b></p>	<p><b>Local Infrastructure Contribution</b></p> <p>This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s):</p> <table border="1" data-bbox="406 1556 1069 1702"> <thead> <tr> <th>Project</th> <th>Description</th> <th>Rate</th> <th>Qty</th> <th>Total</th> <th>GST</th> <th>GST Incl</th> </tr> </thead> <tbody> <tr> <td>01AREC5006</td> <td>Northern Shoalhaven Sports Stadium</td> <td>\$840.45</td> <td>1.00</td> <td>\$840.45</td> <td>\$0.00</td> <td><b>\$840.45</b></td> </tr> <tr> <td>01AREC5007</td> <td>Nowra Swimming Pool</td> <td>\$651.77</td> <td>1.00</td> <td>\$651.77</td> <td>\$0.00</td> <td><b>\$651.77</b></td> </tr> </tbody> </table>	Project	Description	Rate	Qty	Total	GST	GST Incl	01AREC5006	Northern Shoalhaven Sports Stadium	\$840.45	1.00	\$840.45	\$0.00	<b>\$840.45</b>	01AREC5007	Nowra Swimming Pool	\$651.77	1.00	\$651.77	\$0.00	<b>\$651.77</b>	<p>To ensure applicable local infrastructure contributions are collected.</p>
Project	Description	Rate	Qty	Total	GST	GST Incl																	
01AREC5006	Northern Shoalhaven Sports Stadium	\$840.45	1.00	\$840.45	\$0.00	<b>\$840.45</b>																	
01AREC5007	Nowra Swimming Pool	\$651.77	1.00	\$651.77	\$0.00	<b>\$651.77</b>																	

	Expansion (Scenic Drive)					
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$879.78	1.00	\$879.78	\$0.00	<b>\$879.78</b>
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghome & Plunkett Streets)	\$35.99	1.00	\$35.99	\$0.00	<b>\$35.99</b>
CWAREC5005	Shoalhaven Community and Recreational Precinct ScaRP Cambewarra Road Bomaderry	\$2,318.75	1.00	\$2,318.75	\$0.00	<b>\$2,318.75</b>
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,752.47	1.00	\$1,752.47	\$0.00	<b>\$1,752.47</b>
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,536.92	1.00	\$1,536.92	\$0.00	<b>\$1,536.92</b>
CWCFAC5007	Shoalhaven Regional Gallery	\$84.38	1.00	\$84.38	\$0.00	<b>\$84.38</b>
CWFIRE2001	Citywide Fire & Emergency services	\$165.78	1.00	\$165.78	\$0.00	<b>\$165.78</b>
CWFIRE2002	Shoalhaven Fire Control Centre	\$242.53	1.00	\$242.53	\$0.00	<b>\$242.53</b>
CWMGMT3001	Contributions Management & Administration	\$689.40	1.00	\$689.40	\$0.00	<b>\$689.40</b>

Sub Total: **\$9,198.22**  
 GST Total: **\$0.00**  
 Estimate Total: **\$9,198.22**

The total contribution, identified in the above table(s) or as indexed in future years, must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.

The Contributions Plan 2019 can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

*Note: There are also provisions that may apply with respect to the timing of payments. See: Environmental Planning and*

	<i>Assessment (Local Infrastructure Contributions - Timing of Payments) Direction 2020 (nsw.gov.au)</i>	
22.	<p><b>Long Service Levy</b></p> <p>Before the issue of the relevant Construction Certificate / Subdivision Works Certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry <i>Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier.</p>	To ensure compliance with long service levy requirements.
23.	<p><b>On-Site Sewage Management – Sewage Management Facility</b></p> <p>Before the issue of a Construction Certificate, an application for a sewage management facility must be approved under section 68 of the Local Government Act 1993. The sewage management facility and associated effluent management areas must be generally in accordance with and in the locations identified in the Report titled <b>Report on Effluent Disposal (Ref:N25640-CS) prepared by Cowman Stoddart Pty Ltd and dated 18 October 2023</b> or otherwise approved by Council in the section 68 application.</p>	To ensure section 68 approval is obtained and the sewage management facility and associated areas are located in the areas identified in the development application.
24.	<p><b>Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility</b></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.
25.	<p><b>Stormwater – Internal Charged Lines Design Standards</b></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>	To ensure stormwater infrastructure is designed appropriately.
26.	<p><b>Stormwater - Level Spreader Design Standards</b></p> <p>Before the issue of a Construction Certificate on site stormwater disposal design plans incorporating a level spreader design for the building must be prepared by a Professional Engineer (as defined in the National Construction Code) and approved by the Certifier.</p>	To ensure stormwater infrastructure is designed appropriately.

<p><b>27. Stormwater - Rainwater Facility</b></p> <p>Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier.</p> <p>Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – Section 16.</p> <p>It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:</p> <ol style="list-style-type: none"> <li>a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter.</li> <li>b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer’s recommendations. Tanks located over fill material should be placed on a concrete slab.</li> <li>c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output.</li> <li>d) Overflow from the tank must be directed into the approved storm water system.</li> <li>e) Any town water top-up of the tank must be by indirect connection by means of a visible “air gap”, external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements.</li> <li>f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 Section 16.</li> <li>g) The charged line to the rainwater tank 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. This is to prevent the line becoming blocked.</li> <li>h) For partially buried or fully buried rainwater tanks the property owner is required to have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – Section 4.</li> </ol>	<p>To ensure rainwater tanks are appropriately installed where required.</p>
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<b>BUILDING WORK</b>		
<b>Before Building Work Commences</b>		
CONDITIONS		REASON
<b>28.</b>	<b>Appointment of Principal Certifier</b> Before building/subdivision work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
<b>29.</b>	<b>Construction Certificate</b> A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.	To ensure a appropriate building and Subdivision Certificates are obtained.
<b>30.</b>	<b>Dilapidation Report (Minor)</b> 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	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>31.</p>	<p>for the preparation of the dilapidation report, written evidence 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> <p><b>Erosion and Sediment Controls – Implementation</b></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>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>
<p>32.</p>	<p><b>Notice of Commencement</b></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 '<a href="#">Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority</a>'.</p>	<p>To ensure appropriate notice is given to Council.</p>
<p>33.</p>	<p><b>Shoalhaven Water – Application for Certificate of Compliance</b></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 <a href="https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice">https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice</a> 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</i></p>	<p>To ensure a Water Development Notice and Certificate of Compliance are obtained.</p>

	<i>recommended that this application is made as early as possible during the development process.</i>	
<b>34. Toilet Facilities – Temporary</b>	Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: a) be a standard flushing toilet connected to a public sewer, or b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i> , or c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i> .	To ensure suitable toilet facilities are provided.
<b>35. Waste Management Plan</b>	Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.	To ensure an appropriate waste management plan is provided.
<b>BUILDING WORK</b>		
<b>During Building Work</b>		
<b>CONDITIONS</b>		<b>REASON</b>
<b>36. Acid Sulfate Soils - Unexpected Finds</b>	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.
<b>37. Discovery of relics and Aboriginal objects</b>	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:	To ensure the protection of objects of potential

<p>a) the work in the area of the discovery must cease immediately.</p> <p>b) the following must be notified for a relic – the Heritage Council; or</p> <p>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> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a) for a relic – the Heritage Council; or 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>	<p>significance during works.</p>
<p><b>38. Earthworks - Cut, Fill and Grading</b></p> <p>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.</p>	<p>To ensure earthworks are appropriately retained.</p>
<p><b>39. Potentially Contaminated Land - Unexpected Finds</b></p> <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</p>	<p>To ensure any detected contaminants are appropriately managed.</p>

	<p>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>	
<b>40.</b>	<p><b>Site Management - Hours for Construction</b></p> <p>Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.</p>	<p>To ensure site work occurs within appropriate construction hours.</p>
<b>41.</b>	<p><b>Site Management - Maintenance of Site and Surrounds</b></p> <p>During works, the following maintenance requirements must be complied with:</p> <ol style="list-style-type: none"> <li>a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held.</li> <li>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.</li> <li>c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.</li> <li>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.</li> <li>e) During construction: <ol style="list-style-type: none"> <li>i) all vehicles entering or leaving the site must have their loads covered, and</li> <li>ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</li> </ol> </li> <li>f) At the completion of the works, the work site must be left clear of waste and debris.</li> </ol>	<p>To ensure the site is maintained in a safe and secure manner.</p>
<b>42.</b>	<p><b>Site Management - Noise</b></p>	<p>To protect the amenity of</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 &amp; 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>neighbouring properties.</p>
<p><b>43.</b></p>	<p><b>Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater</b></p> <p>All excavation, backfilling and landscaping works must not result in:</p> <p>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.</p> <p>b) the redirection and/or concentration of stormwater flows onto neighbouring properties.</p>	<p>To ensure stormwater is appropriately managed.</p>
<p><b>44.</b></p>	<p><b>Soil Management</b></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> <p>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</p> <p>b) All fill material imported to the site must be:</p> <p>i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or</p> <p>ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p> <p>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>	<p>To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site.</p>

<p><b>45. Surveys by a Registered Surveyor</b></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> <p>a) All footings / foundations in relation to the site boundaries and any registered and proposed easements</p> <p>b) At other stages of construction – any marks that are required by the principal certifier.</p>	<p>To ensure buildings are sited and positioned in the approved location.</p>
<p><b>BUILDING WORK</b> <b>Before Issue of an Occupation Certificate</b></p>		
<p>CONDITIONS</p>		<p>REASON</p>
<p><b>46. BASIX Certificate – Evidence of Completion</b></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>	<p>To ensure compliance with the approved BASIX Certificate.</p>
<p><b>47. Completion of Public Utility Services</b></p>	<p>Before the issue of the relevant Occupation Certificate / Subdivision 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>	<p>To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
<p><b>48. Colours and Materials</b></p>	<p>The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.</p>	<p>To ensure colours and materials are appropriate.</p>

<p><b>49.</b></p>	<p><b>Demolition – Decommissioning of On-site Sewage Management System</b></p> <p>Before the issue of an Occupation Certificate, evidence that the existing on-site sewage management system <b>associated with the farmhouse</b> has been decommissioned as required by this consent must be provided to the Certifier in accordance with the following:</p> <p>a) The NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (OSSM).</p> <p>b) The existing application area must be reinstated to its original condition.</p>	<p>To ensure redundant on-site sewage management systems are appropriately decommissioned.</p>
<p><b>50.</b></p>	<p><b>Dilapidation Report (Minor) – Evidence of Completion</b></p> <p>Before the issue of an Occupation 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 existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.</p>	<p>To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.</p>
<p><b>51.</b></p>	<p><b>Driveway – Evidence of completion</b></p> <p>Before the issue of a full Occupation Certificate, all driveway works internal to the site and Right of Carriageway as shown on the approved plans and conditioned must be completed.</p>	<p>To ensure the completion of the driveway in a timely manner.</p>
<p><b>52.</b></p>	<p><b>Plumbing - Yard Gully</b></p> <p>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.</p>	<p>To ensure compliance with relevant plumbing controls.</p>
<p><b>53.</b></p>	<p><b>Section 68 Approvals – Evidence of Completion</b></p>	<p>To ensure compliance with section 68 approval.</p>

	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.	
<b>54.</b>	<p><b>Shoalhaven Water – Certificate of Compliance</b></p> <p>Before the issue of any Occupation 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.</p> <p>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.</p>	To ensure compliance with Shoalhaven Water requirements.
<b>55.</b>	<p><b>Stormwater – On-Site Disposal – Evidence of Completion</b></p> <p>Before the issue of an Occupation Certificate, the Certifier must be satisfied that all on-site stormwater disposal systems have been installed in accordance with any relevant condition of consent and the requirements of the National Construction Code.</p>	To ensure stormwater infrastructure has been installed correctly.
<b>56.</b>	<p><b>Stormwater - Works as Executed</b></p> <p>Before the issue of an Occupation Certificate / 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>	To ensure works as executed plans are prepared and provided.
<b>57.</b>	<p><b>Noise</b></p> <p><u>Prior to the issue of an Occupation Certificate, evidence must be submitted to the certifier that the completed dwelling</u></p>	To ensure the proposed development is appropriate with

	<u>complies with the consultant noise report design recommendations and condition Number 19 of this consent.</u>	regard to road noise and vibration.
<b>BUILDING WORK</b> <b>Occupation and Ongoing use</b>		
<b>CONDITIONS</b>		<b>REASON</b>
<b>58.</b>	<p><b>Bushfire – Asset Protection Zone (Nominated APZ Area)</b></p> <p>Asset Protection Zones (APZ) must be managed in accordance with Appendix 4 – Asset Protection Zone Standards of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service Standards for Asset Protection Zones as nominated:</p> <p>a) As per the asset protection zones identified in the report submitted by Bushfire &amp; Evacuation Solutions dated 6 August 2024.</p>	To ensure asset protection zones are maintained.
<b>59.</b>	<p><b>Landscaping – Priority and Environmental Weeds</b></p> <p>The planting of plant species listed in the South East Regional Strategic Weed Management Plan is prohibited for the life of the development. No exotic perennial grasses listed on the ‘Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses’ must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.</p>	To protect biodiversity values.
<b>60.</b>	<p><b>Occupation – Satisfaction of Conditions of Consent</b></p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p> <p>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).</p>	To ensure conditions of consent are complied with or other satisfactory arrangement made.
<b>61.</b>	<p><b>Stormwater- Maintenance of Stormwater Infrastructure</b></p> <p>The approved stormwater design and any associated on-site detention must be maintained for the life of the development</p>	To ensure stormwater infrastructure is maintained for

	in accordance with the approved documents and maintenance programs.	the life of the development.
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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.



## Water Saving Guidelines – Summary

The use of drinking water is permitted for the following purposes:

- Watering of lawns and gardens before 10am and after 4pm using a hand-held hose fitted with a trigger nozzle, sprinklers or smart watering systems. Hoses are not to be left unattended.  
Level 2: between 6-8am and 6-8pm  
Level 3: banned  
Level 4: banned
- Watering of newly laid turf and gardens at any time for up to 28 days from date of laying/planting  
Level 2: before 10am and after 4pm  
Level 3: before 10am and after 4pm using hand held hose only  
Level 4: banned
- Filling and/or topping up of pools and spas at anytime  
Level 2: hand held hose only  
Level 3: hand held hose only  
Level 4: banned
- Washing of vehicles on grass, with a hand-held hose fitted with a trigger nozzle or use of a pressure washer anytime  
Level 2: wash on grass before 10am and after 4pm  
Level 3: use of buckets only and on grass  
Level 4: banned
- Cleaning of buildings (including gutters, walls and windows, solar panels), concrete and paved areas for health, safety, emergency reasons, and for construction activities, with a hand-held hose fitted with a trigger nozzle or pressure washer anytime  
Residential  
Level 2: between 6-8am and 6-8pm high pressure equipment  
Level 3: use of bucket only  
Level 4: use of bucket only  
Business  
Level 2: only high pressure cleaning equipment  
Level 3: use of bucket only  
Level 4: use of bucket only



- Dust suppression for cutting, drilling or tunnelling allowed anytime  
Business  
Level 2: allowed but minimise water usage  
Level 3: essential purposes only  
Level 4: Variation required. Recirculating water system preferred.
- Cooling of people and animals allowed anytime with water usage to be minimised and carried out on grassed areas and not on hard surfaces  
Level 2: hand held hose  
Level 3: bucket  
Level 4: bucket

Not permitted:

- Allowing water to run off onto hard surfaces/roads
- Leaving hoses and taps running unattended
- Overfilling of pools/tanks
- Cleaning of hard surfaces (paths, driveways and paved areas) as part of general cleaning

#### Watering new turf and gardens

Residents and businesses

You can water newly laid turf and gardens at any time for up to 28 days from the laying or planting date. After the first 28 days, you can water before 10am and after 4pm only.

You can:

- Use a hand-held hose fitted with an instant on-off mechanism such as a trigger nozzle
- Use sprinklers and watering systems.

#### Filling pools, spas and ponds

Residents and businesses

You can:

- Fill a new, or top up an existing pool, spa or pond to replace water lost through evaporation or firefighting

It is strongly recommended to use a pool cover to reduce water losses through evaporation.



### Cleaning vehicles, including boats

Residents and businesses

You can:

- Wash your car, truck, van, motorbike or caravan on grass, using a bucket of water and a sponge, a hand-held hose fitted with a trigger nozzle, or pressure washer
- Quickly wash your boat and trailer using a hand-held hose fitted with a trigger nozzle or pressure washer at a public boat ramp or marina after the boat has been in saltwater
- Flush boat engines using a hose and flushing device
- Fill water tanks on a boat or caravan/camper using a hand-held hose

### Cleaning buildings and other hard surfaces

Residents and businesses

You can:

- Wash buildings or parts of buildings (such as gutters, windows, walls) using a hand-held hose fitted with a trigger nozzle, or pressure washer
- Use water to clean paths, driveways, concrete or other paved areas for health, safety, emergency or surface contamination reasons and for construction activities (including resurfacing) using a hand-held hose fitted with a trigger nozzle, or pressure washer
- Wash your garbage bin using a hand-held hose fitted with a trigger nozzle or pressure washer

### Cooling of people and animals

Residents

You can:

- Use water to cool people or animals

Businesses

- Water slide operators along with people operating commercial or recreational facilities can use water where it forms an integral part of their operation, such as water play parks.

### Building and construction

Businesses

You can:



- Use water to clean paths, driveways, concrete or other paved areas for health, safety, emergency or surface contamination reasons and for construction activities (including resurfacing) using a hand-held hose fitted with a trigger nozzle, or pressure washer, or use water for dust suppression if there is no alternative water source (such as recycled water) reasonably available
- Use water to safely operate cutting, drilling and tunnelling equipment, or for pipe jetting.

#### Fighting fires and fire systems testing

Residents and businesses

You can:

- Use water to fight household fires or bushfires that threaten people or property
- Use water for hazard reduction or other essential services
- Use water for the testing of firefighting equipment or services
- Use water for post firefighting clean up



# Drought Management Plan

For more information contact  
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## 1 EXECUTIVE SUMMARY

Shoalhaven Water, a group of Shoalhaven City Council, is the responsible authority for the delivery of water services to Shoalhaven City through its various water supply schemes within the City boundaries.

Although the supply is designed to be secure, there will be times under prolonged drought conditions when Shoalhaven Water will be forced to restrict water usage in order to preserve the City's supplies to meet essential needs.

This document sets out the protocols for introducing and lifting such water restrictions, describes how the water supply system will be managed during times of drought, and provides variations that allow for certain classes of commercial and community consumers to continue their operations during these times.

Included in this document are the personnel involved in managing a drought, their prime responsibilities, the actions that they are to initiate and follow and the legislative and organisational framework within which they work.

All senior management and other drought management personnel within Shoalhaven Water are expected to be familiar with these requirements and to have ready access to and training in the requirements of this document.

### 1.1 Introduction

The reticulated water system has been designed to the "5, 10, 10" Rule in accordance with standard practice in NSW, such that:

- Water Restrictions should not be applied for more than 5% of the time on average
- Water Restrictions should not be imposed more than once every 10 years on average and
- Water Restrictions should reduce consumption by 10%

The Drought Management Plan (DMP) establishes how Shoalhaven Water will manage the water supply schemes during periods of drought. The plan shall be activated, implemented and de-activated at the Director - Shoalhaven Water's discretion after obtaining the CEO's approval.

The DMP shall be activated, when it is perceived there is a high probability that, if there is no rainfall, water restrictions may be imposed.

Shoalhaven City Council have implemented a water saving guideline that acts as a full time Level 1 water restriction. In doing so this reduces the water usage demands across the region. Actual imposed water restrictions as instigated by this DMP refer to restriction Levels 2, 3 and 4.

The plan will remain in force until:

- There is sufficient water in the dams that are the source of the water supply;
- Water restrictions have been lifted;
- The post-restriction protocols have been completed.

The long term weather forecast should also be considered.

## 1.2 Purpose of the Drought Management Plan

The aim of this Drought Management Plan (DMP) is to ensure the water utility business of Shoalhaven Water in the Shoalhaven region, has an appropriate mechanism in place to allow it to carry out its responsibility to soundly manage Shoalhaven Water use during droughts. A DMP details the demand and supply issues to be addressed during drought to ensure that town water supplies with a significant storage, such as the Shoalhaven, minimise the risk of failure in times of drought.

The purpose of this DMP is to:

- Identify what Shoalhaven Water does before, during and after a drought;
- Describe the staged approach Shoalhaven Water takes to drought management; and
- Provide a clear, publicly available statement of Shoalhaven Water's role and responsibilities during a drought.

## 1.3 Implementation of the Drought Management Plan

Activation, implementation and de-activation of the DMP shall be the responsibility of the Director - Shoalhaven Water.

When and how to carry out activities under the DMP and the officers who are responsible for carrying out these activities are outlined in the Drought Management Plan.

The Drought Management Plan focuses on the management of a drought in the Shoalhaven Water Supply Scheme.

## 1.4 Compliance of the Drought Management Plan

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) regulates best practices for Local Water Utilities (LWU) through a series of guidance papers that fall under the Regulatory and Assurance Framework. As part of these guidance papers, all LWUs are required to prepare Strategic Business Plans that include responses to drought, and this Drought Management Plan forms part of those requirements.

In addition, where appropriate, the NSW Water Directorate drought management guideline has also been considered as part of the preparation of this plan.

## 1.5 Objectives

The objectives of the DMP are as follows:

- To reduce consumption in the City by 10% for the duration of the restriction period,
- To ensure that available water resources during times of drought are prioritised for essential purposes,
- To reduce the impact of the drought on customers, community and the environment,
- To ensure the community and customers affected are fully aware of the drought, the reasons for restrictions, water saving measures, policing, penalties, exceptions, and how to access further information; and

- To liaise with relevant government agencies associated with regulating the water resources, environment and community health.

## 2 DROUGHT MANAGEMENT TEAM

During implementation of the DMP, the Director - Shoalhaven Water shall lead the Drought Management Team (DMT) comprising the following staff:

- Director - Shoalhaven Water
- Manager - Water Asset Planning and Development
- Manager - Water Operations and Maintenance
- Manager - Water Business Services
- Unit Manager - Water Operations

The DMT shall coordinate the implementation of the DMP by utilising the available expertise and resources. The DMT shall meet during the implementation of the DMP to agree on the next course of action and to monitor environmental conditions and the community's response to the DMP:

**Weekly** – once river flows drop to < 90ML/day

**Twice Weekly** - whilst level 2, 3, 4 water restrictions are in place. The second meeting should be planned later in the week so that updated statistics and forecasts from Bureau of Meteorology, which may not be available early in the week, may be compiled and analysed.

The Director - Shoalhaven Water may delegate the leadership role to any other officer as is deemed appropriate.

Whenever the DMP is activated, the Director - Shoalhaven Water shall email all Councillors, the CEO and other Directors to alert them to the drought status and the initiation of the DMP.

Notwithstanding the above, if deemed necessary, the DMT can invite other members of the organisation to attend meetings on an ad hoc basis if required.

**Responsibility:** Unit Manager - Water Operations

## 3 BACKGROUND DATA

### 3.1 Water Supply

#### 3.1.1 Treated Water Services Areas

Shoalhaven Water provides treated water to National Health and Medical Research Council (NHMRC) Australian Drinking Water Guidelines (2011 Version 4 June 2025) to most towns and villages throughout the City of Shoalhaven. These service areas are the urban areas of Berry/Shoalhaven Heads, Kangaroo Valley, Cambewarra, Nowra, Bomaderry, Greenwell Point, Culburra Beach, Currarong, Callala, Huskisson, Vincentia, Hyams Beach, St. Georges Basin District, Tomerong, Wandandian, Sussex Inlet district, Bendalong, Cunjurong, Lake Conjola, Fishermans

Paradise, Milton, Ulladulla, Kings Point, Dolphin Point, Burrill Lake and Lake Tabourie, (see Figure 1.1 and 1.2). Unserviced towns are located south of Lake Tabourie, such as Termeil, Bawley Point, Kioloa, North Durras and small settlements like Pebbly Beach.

### 3.1.2 Raw Water Service Areas

There are a small number of consumers connected to a raw water supply. These are rural properties between Burrier Pump Station and Bamarang Water Treatment Plant (WTP).

## 3.2 Water Supply System Description

Shoalhaven Water manages and operates three separate water supply schemes:

- Northern Shoalhaven Water Supply (NSWS)
- Southern Shoalhaven Water Supply (SSWS)
- Kangaroo Valley Water Supply Scheme

It should be noted that the NSWS and SSWS are also interconnected and water can be supplied from north to south under certain conditions.

The following tables show the main infrastructure involved in these schemes.

Water Treatment Plant details:

Bamarang WTP – 75 ML/day	<ul style="list-style-type: none"> <li>- alum flocculation/clarification- mixed media sand/anthracite filtration</li> <li>- lime/CO<sub>2</sub> pH correction/stabilisation</li> <li>- chlorine disinfection</li> <li>- fluoridation</li> </ul>
Flatrock WTP – 28 ML/day	<ul style="list-style-type: none"> <li>- alum flocculation/clarification- mixed media sand/filter coal filtration</li> <li>- lime/CO<sub>2</sub> pH correction/stabilisation</li> <li>- chlorination</li> <li>- fluoridation</li> </ul>
Milton WTP – 10.5 ML/day	<ul style="list-style-type: none"> <li>- flocculation (rapid)</li> <li>- mixed media sand/filter coal filtration(direct)</li> <li>- chlorination</li> <li>- lime/CO<sub>2</sub> pH correction/stabilisation</li> <li>- caustic soda pH correction</li> </ul>

	- fluoridation
Bendeela – 1.5 ML/day	- microfiltration - chlorination - caustic soda pH correction - fluoridation - activated carbon (if required)

**Table 3.2 – Water Supply System Summary Description**

System Component	Northern Shoalhaven	Southern Shoalhaven	Kangaroo Valley
Water source	Abstraction from Shoalhaven River at Burrier	Shoalhaven River and Porters Creek	Bendeela Pondage
Water storage	Water is transferred (pumped) to a 3,800 ML off-stream dam at Bamarang. Raw water is transferred (pumped) to Bamarang Water Treatment Plant and Flatrock Water Treatment Plant (gravity feed)	Water is stored at Porters Creek Dam (1,895 ML) then gravitated to Pointer Mountain Balance Tank and Milton Water Treatment Plant	Bendeela Pondage (part of the WaterNSW Shoalhaven Scheme)
Water treatment	Bamarang WTP, and Flatrock WTP	Milton WTP	Kangaroo Valley WTP
Storage after treatment	In Bamarang & Flatrock Reservoirs and then various distribution reservoirs	Milton Reservoir then various distribution reservoirs	In Bendeela Reservoir and then Kangaroo Valley Reservoir
Distribution of product	Via pipes and pumps to end users	Via pipes and pumps to end users	Via pipes.

System Component	Northern Shoalhaven	Southern Shoalhaven	Kangaroo Valley
Any special controls required?	Quality of chemicals, materials etc used in the production and delivery of the product.	Quality of chemicals, materials etc used in the production and delivery of the product.	Quality of chemicals, materials etc used in the production and delivery of the product.

### 3.2.1 Northern Shoalhaven Scheme

About 90% of the systems raw water is pumped from the Shoalhaven River at Burrier about 47 km upstream of the ocean estuary outlet. The water is pumped from Burrier (90ML/day) to a 3,800 megalitre off-river storage dam at Bamarang near West Nowra. The water is then transferred from the dam to Water Treatment Plants at Bamarang and Flatrock. The treated water is then transferred throughout the City.

A 7,660 megalitre storage dam at Danjera acts as an emergency backup supply feed for the Shoalhaven River in times of drought. The combination of Danjera’s 7,660 megalitres and the off river Bamarang 3,800 megalitres storage acts to limit the effect of low flows in the Shoalhaven River to provide drought security for the Shoalhaven City water supply system. The average total (treated water and raw water) demand is currently 50 megalitres per day. The system has the capacity to treat 103 megalitres per day (the combined capacity of Bamarang and Flatrock water treatment plants).

Raw water from Bamarang Dam can be diverted by gravity to the Flatrock Water Treatment Plant and the Manildra Plant and by low head pumping to Bamarang Water Treatment Plant.

Raw water from Danjera Dam is released via Yalwal Creek to Bamarang Dam during severe drought or in an emergency. 30% of the capacity of the dam is to be left in the dam for aquatic species and the environment.

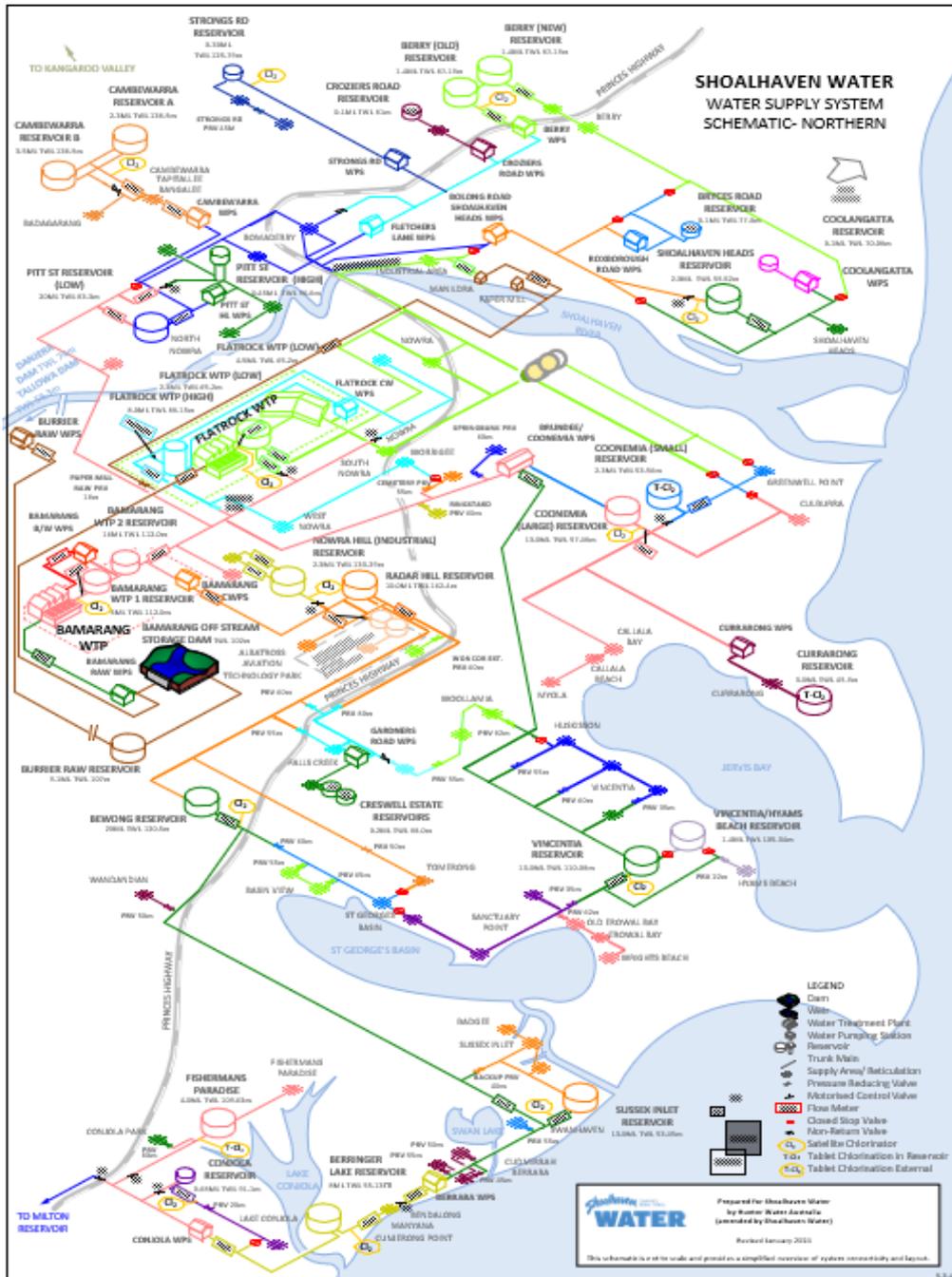


Figure 1-1 Schematic flow diagram of the Northern Shoalhaven Water Supply System

CL26.57 - Attachment 2

### 3.2.2 Southern Shoalhaven Scheme

The Southern Shoalhaven is partly served by the Porters Creek Dam west of Milton which supplies the Milton Water Treatment Plant. The plant treats water for the Milton/ Ulladulla/ Narrawallee/ Mollymook/ Kings Point/ Burrill Lake/ Lake Tabourie areas. Bendalong, Manyana, Conjola & Fisherman's Paradise are supplied from the Northern System, which also supplements the area served by the Milton Water Treatment Plant over peak demand (holiday) periods. During dry periods, water in Porters Creek Dam is conserved and treated water is transferred from the Northern System.

Porters Creek Dam has a capacity of 1890 megalitres and is located in Morton National Park. Access to the dam and infrastructure is managed through a deed of licence with National Parks.

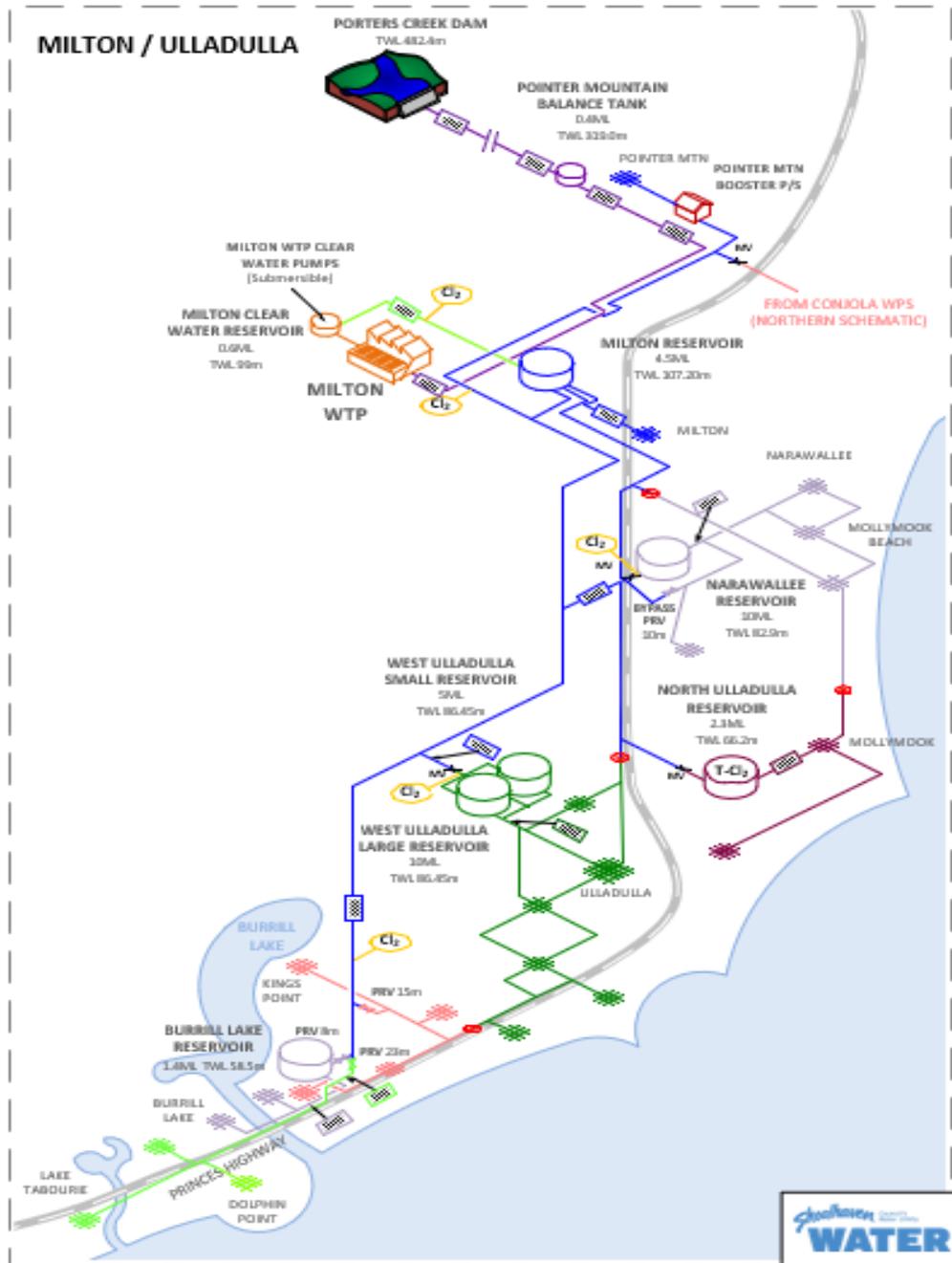


Figure 1-2 Schematic flow diagram of the Southern Shoalhaven Water Supply System

CL26.57 - Attachment 2

### 3.2.3 Kangaroo Valley Scheme

A fourth treatment plant is located at Bendeela Pondage and supplies water to the Kangaroo Valley Township. This plant is a microfiltration plant and operates using a membrane system for removing colour, sediment and algae.

WaterNSW's Bendeela Pondage with a capacity of 920 megalitres, supplies raw water to the Kangaroo Valley Micro Filtration Water Treatment Plant. WaterNSW supplies water by agreement at a maximum rate of 1.5 megalitres per day.

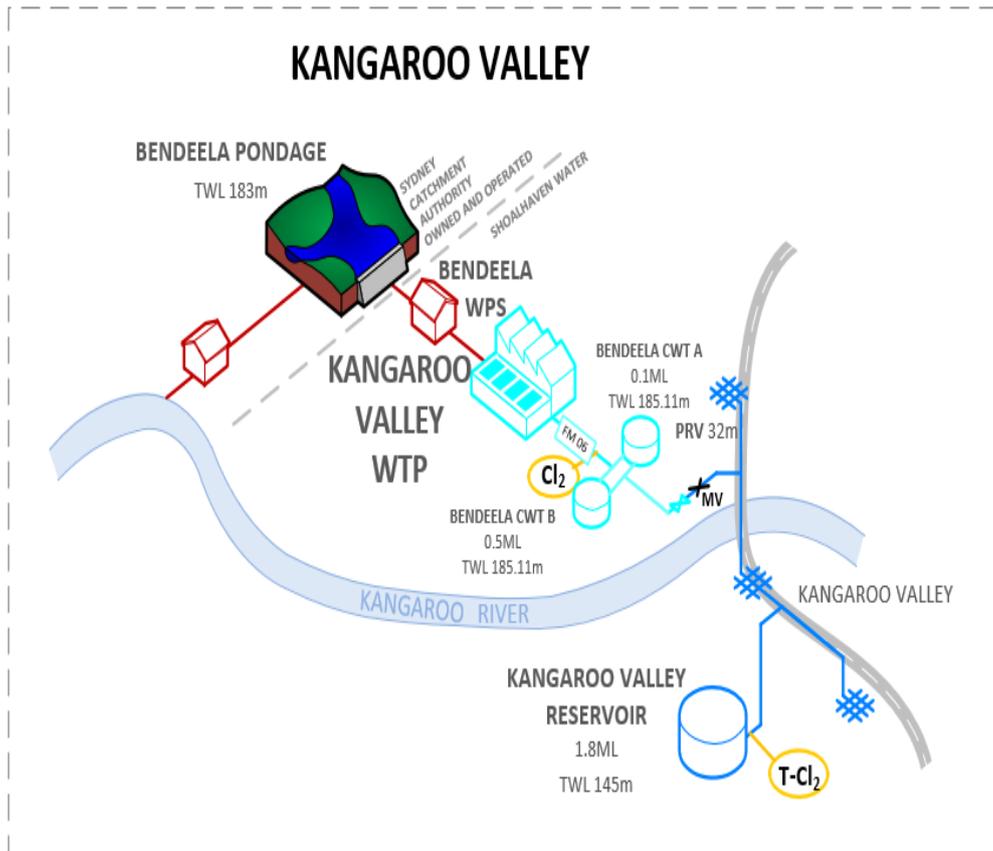


Figure 1-3 Schematic flow diagram of the Kangaroo Valley Supply System

CL26.57 - Attachment 2

### 3.2.4 Other Uses

Raw water is supplied to the Manildra Group by gravity pipeline from Bamarang Dam. This supply is covered by a Special Agreement between Council and Manildra.

### 3.3 Council's Water Extraction Entitlements and Licences

Flow in the Shoalhaven River is controlled from Tallowa Dam, owned and operated by the WaterNSW. In times of drought, water is pumped from Tallowa Dam into the Sydney supply system.

At other times water is transferred from Tallowa Dam to Bendeela Pondage and circulates to and from Fitzroy Falls, allowing Origin Energy to generate hydroelectricity.

In the Shoalhaven River water source, WaterNSW must release from Tallowa Dam the water requirements of Shoalhaven City Council in accordance with the WaterNSW and Shoalhaven City Council Raw Water Supply Agreement & Protocols or as subsequently replaced or amended. This requirement is stipulated within clause 57B Part 8A (Rules for majority utility storages – the Acts 21A) of the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 - as quoted below.

A daily release must be made from Tallowa Dam of a flow at least equivalent to the volume calculated in accordance with the following formula –

$A \times B$

Where –

**A** is the volume of water held in all the Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Great Sydney storages.

**B** is-

- (a) if the daily inflows into Lake Yarrunga in the previous 24 hours are less than or equal to the 80<sup>th</sup> percentile daily inflows for the month – the amount of the daily inflows, or
- (b) if the daily inflows into Lake Yarrunga in the previous 24 hours are more than the 80<sup>th</sup> percentile daily inflows for the month – the 80<sup>th</sup> percentile daily inflows for the month plus 20% of the daily inflow above the 80<sup>th</sup> percentile daily inflows for the month.

80<sup>th</sup> percentile daily inflows for the month means the amount specified below:

**Monthly environmental release thresholds for Lake Yarrunga**

Month	(ML/day)
January	137
February	178
March	219
April	268
May	263
June	316
July	325
August	290
September	258
October	223
November	168
December	152

Additional releases must be made from Tallowa Dam to enable water to be taken by Shoalhaven City Council under its local water utility access licence.

Inflows into Lake Yarrunga must be measured at the Kangaroo River at Hampden Bridge gauge (215220) and the Shoalhaven River at Fossickers Flat gauge (215207).

**3.3.1 WaterNSW Water Access Licence**

WaterNSW’s Water Access Licence WAL27433 under Approval No. 10CA117211, further requires that it must release Shoalhaven City Council’s water requirements as indicated in Condition MW5924-00001. To this end, a Bulk Water Supply Agreement has been reached between WaterNSW and SCC. The agreement and the associated Bulk Water Supply Protocols provide a cooperative approach to the environmentally responsible management of Tallowa Dam releases to meet Shoalhaven’s water supply needs.

**3.3.2 Shoalhaven City Council Water Licence**

Notwithstanding the above, SCC’s Water Access Licence WAL25350 under Approval No. 10CA102367 incorporates Schedule 1, “Protocols for SCC’s Drinking Water Releases from Tallowa Dam”, which the Bulk Water Supply Agreement and the Bulk Water Supply Protocols are based upon.

**3.4 Release of Water from Tallowa Dam**

Council will request WaterNSW to release water from Tallowa Dam. The volume & rate of water released from Tallowa Dam shall be determined weekly by Council in accordance with the Raw Water Supply Agreement Protocols. As per Council’s Water Licence (Protocols in Schedule 1), these releases will be at no cost to Council.

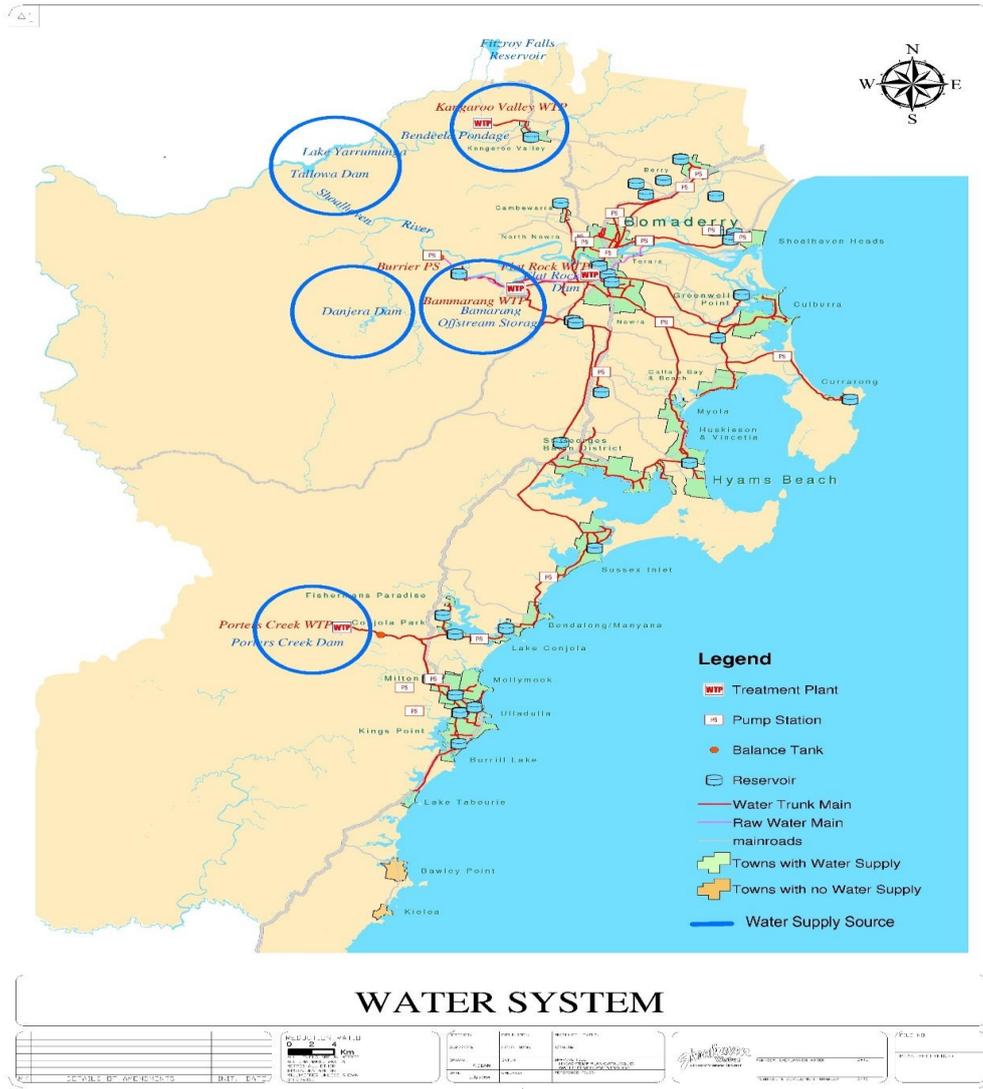


Figure 2-1 Water System

CL26.57 - Attachment 2

### 3.5 Water Restriction History

Although the supply area has suffered a number of droughts over the years, little historical information has been kept (see Table 2.5).

**Table 3.5 - Restriction History**

Drought	Restriction Level	Estimated Effect of Restriction on Demand	Emergency Sources Utilised
18/2/98 – 18/5/98	Level 2*	10% reduction in demand	Danjera Dam
4/12/02 – 18/3/03	Level 2*	10% reduction in demand	Danjera Dam
6/9/04 – 23/12/04	Level 1	5% reduction in demand	Danjera Dam
15/3/06 – 1/07/06	Level 1	5% reduction in demand	Danjera Dam
18/12/06 – 14/3/07	Level 1	5% reduction in demand	Danjera Dam
16/2/09 – 15/6/09	Level 1	5% reduction in demand	Danjera Dam
5/10/09 – 10/2/10	Level 1	5% reduction in demand	Danjera Dam
3/9/18 – 10/12/18	Level 1	5% reduction in demand	Danjera Dam
2/12/19 – 13/2/20	Level 1	5% reduction in demand	Danjera Dam

### 3.6 Management Plan

The historical performance of water resources utilised for the supply of water to the identified service areas was examined in the Bulk Supply Analysis undertaken by the Department of Public Works in 1995. The yield of the system was derived by hydrological modelling of the sources, based on demand data and referencing the Shoalhaven Secure Yield Assessment (WREMA 2022).

Overall, the water supply system reliability is high. Over a period spanning one hundred years, only a few instances of restrictions were required. The quality of source water has not been known to deteriorate between rainfall events.

### 3.7 Water Supply Customers

The total number of properties supplied with water services by Shoalhaven Water is over 55,000. These properties include those in the towns as well as the rural areas. The populations of Nowra, Bomaderry and Milton /Ulladulla are the major urban centres.

A range of water dependant customers exist in the Shoalhaven including hospitals and nursing homes and properties with dialysis.

### 3.8 DMP Objectives

The primary objective of this DMP is to provide for the successful maintenance of a restricted water supply during drought without compromising public health and also meeting firefighting needs. Several sub-objectives have been identified. These relate to the:

- Overall direction of the utility business
- System requirements to manage drought
- Utility response to the occurrence of drought

**Table 3.8** sets out the DMP objectives. These objectives will be used to assess the effectiveness of this plan and trigger plan review.

**Table 3.8 - DMP Objectives**

Component	Role	Objective
Strategic Objectives	Overall purpose of the DMP	To ensure a timely, effective, efficient and affordable response to drought that minimises consumer disruption.
Planning Objectives	System requirements necessary to deliver the strategic objectives	<p>To ensure the viability of the water supply by providing and maintaining infrastructure;</p> <p>To ensure that, in the long term, restrictions are not required more than 5% of the time (the level of service);</p> <p>To develop and implement strategies to deliver this level of service and minimise the risk of the community running out of water;</p> <p>To define trigger points for implementing management actions; and</p>

Component	Role	Objective
		To develop procedures to effectively monitor and review the strategies developed.
Operational Objectives	Implementation of restrictions and drought response measures	<p>To ensure that operating and managerial staff are aware of the steps to implement this plan;</p> <p>To ensure customers and other stakeholders are aware of this drought management plan;</p> <p>To ensure clear communication to the public of details of restrictions, enforcement policies and the impact of restrictions when implemented;</p> <p>To ensure water quality continues to meet all relevant health standards and guidelines;</p> <p>To ensure a minimum supply of 15 litres per person per day (minimum health and sanitary requirements); and</p> <p>To ensure the plan is monitored during drought and adjusted where necessary.</p>

#### 4 DROUGHT MANAGEMENT PLAN

The Shoalhaven Water Drought Management Plan is set out in **Table 4.1**. The Drought Management Plan sets out the actions to be taken during each phase of its implementation.

For each stage, the following have been defined:

**A trigger:** to define the points at which each consecutive stage should be implemented. Any one or more of the triggers can be used to activate a stage.

**Actions and responsibilities:** a list of activities to be undertaken during drought to achieve the objectives and a statement of those who are responsible for putting each activity in place. Activities were defined giving consideration to the environmental, social and cost impacts of each action. Actions also include the collection of data to monitor and review the plan over time.

**Table 4.1 – Drought Management Plan**

ITEM	ACTION	RESPONSIBILITY
<b>1.0</b>	<b>Flows in the Shoalhaven River into Tallowa Dam &lt; 150 ML/day</b>	
1.1	Review Southern Oscillation Index (SOI) and consult with Bureau of Meteorology (BOM) on a weekly basis to determine likely scenarios. Advise Director - Shoalhaven Water of likely deterioration of river flows.	Unit Manager Water Operations
1.2	In preparation for impending low river flows below 90ML/day, Bamarang Dam shall be topped up if required to within 0.5m down from TWL. This 0.5m allows for any surplus water called from WaterNSW but not consumed by daily demand to be stored in Bamarang and not wasted.	Unit Manager Water Operations
1.3	NOTE: Danjera Dam to be kept full. Danjera Dam is only to be used in emergency situations for firefighting or releases, if Tallowa Dam is unavailable due to maintenance or operating issues.	Unit Manager Water Operations
<b>2.0</b>	<b>Flows in the Shoalhaven River into Tallowa Dam &lt;90ML/day</b>	
2.1	Shoalhaven Water to request WaterNSW release water from Tallowa Dam at a quantity that matches Shoalhaven City Councils daily water usage demands.	Unit Manager Water Operations
2.2	Shoalhaven Water to start 90 day trigger level counter for days where flows into Tallowa Dam is below 90ML/day.	Unit Manager Water Operations
2.3	For each day when inflow exceeds 90ML/day, that day will not be counted towards the total 90 day trigger level counter.	

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ITEM	ACTION	RESPONSIBILITY
2.4	When a total of 90 days combined have elapsed where inflow has been below 90ML/day, Level 2 water restrictions shall be triggered.	Manager – Water Operations and Maintenance
2.5	Director - Shoalhaven Water to obtain approval from the CEO to impose Level 2 Water Restrictions.	Director - Shoalhaven Water
<b>2.6</b>	<b>Impose Level 2 water restrictions in accordance with this DMP.</b>	<b>Director - Shoalhaven Water</b>
3.0	Shoalhaven Water to start another 90 day trigger level counter for days where flows into Tallowa Dam is below 90ML/day. This new counter is for the next level of water restrictions.	Unit Manager Water Operations
3.1	For each day when inflow exceeds 90ML/day, that day will not be counted towards the total 90 day trigger level counter.	Unit Manager Water Operations
3.2	When a total of 90 days combined have elapsed where inflow has been below 90ML/day, Level 3 water restrictions shall be triggered.	Manager – Water Operations and Maintenance
3.3	Director - Shoalhaven Water to obtain approval from the CEO to impose Level 3 Water Restrictions.	Director - Shoalhaven Water
<b>3.4</b>	<b>Impose Level 3 water restrictions in accordance with this DMP.</b>	<b>Director - Shoalhaven Water</b>
4.0	Shoalhaven Water to start another 90 day trigger level counter for days where flows into Tallowa Dam is below 90ML/day. This new counter is for the next level of water restrictions.	Unit Manager Water Operations
4.1	For each day when inflow exceeds 90ML/day, that day will not be counted towards the total 90 day trigger level counter.	Unit Manager Water Operations
4.2	When a total of 90 days combined have elapsed where inflow has been below 90ML/day, Level 4 water restrictions shall be triggered.	Manager – Water Operations and Maintenance

ITEM	ACTION	RESPONSIBILITY
4.3	Director - Shoalhaven Water to obtain approval from the CEO to impose Level 4 Water Restrictions.	Director - Shoalhaven Water
4.4	<b>Impose Level 4 water restrictions in accordance with this DMP.</b>	<b>Director - Shoalhaven Water</b>
<b>Coming out of Water Restrictions</b>		
	Restrictions will end at the discretion of the Director - Shoalhaven Water, upon receiving accurate information from the Bureau of Meteorology regarding ending of drought, extended consecutive high inflows into Tallowa Dam and the Shoalhaven River.	Director - Shoalhaven Water

The above actions are prescribed by the Protocols for SCC's Drinking Water Releases from Tallowa Dam, contained in SCC's Water Access Licence WAL 25350.

## 5 WATERNSW RELEASES FROM TALLOWA DAM

In accordance with Council's Water Access Licence (WAL25350) for extraction from the Shoalhaven River as indicated under Approval No.10CA102367 and the agreement between WaterNSW & Shoalhaven Water, bulk water will be released from Tallowa Dam when requested by Council. The water will be pumped from the Shoalhaven River at Burrier. The volume & rate of water released from Tallowa Dam shall be agreed between the Water Treatment Coordinator and WaterNSW. During droughts, Council will liaise with WaterNSW at a minimum of once per week regarding releases.

**Responsibility:** Team Coordinator Water Treatment

## 6 COUNCIL'S DAM RELEASE REGIME

### 6.1 Bamarang Dam

Bamarang Dam is to be maintained at a level between FSL and 0.5m down from TWL. This is to ensure that the dam remains near to full capacity for the purposes of firefighting and backup emergency water supply should releases from Tallowa Dam be unavailable due to equipment outages or maintenance activities at the dam.

This storage regime has been planned such that at any time the Drought Management Plan is in operation, any water called for from Tallowa Dam and not immediately consumed by the Shoalhaven City Council end users can be captured and stored in Bamarang dam.

Previous practice was to draw down council's dams and then request maximum pumping rates from Tallowa Dam at approximately 72-90ML/day to satisfy water usage needs and to also fill Bamarang dam.

Under this Drought Management Plan, Shoalhaven City Council will request only the amount of water required to fulfil its daily water usage needs from Tallowa Dam.

Example: If daily water usage during drought is 20ML/day then Shoalhaven City Council will only request releases of 20ML/day to satisfy its water usage demands. With Bamarang Dam being maintained near FSL, this reduces the need to request large amounts of water from Tallowa Dam, therefore ensuring that Tallowa Dam storage is maintained at higher levels for longer.

### 6.2 Danjera Dam

Danjera Dam is maintained for emergency water supply purposes including droughts.

It is also to be noted at least **2,300 ML of water** (30% remaining) shall be left in Danjera Dam for the survival of aquatic species and the environment.

Prior to releasing water from Danjera Dam, a courtesy advice is to be provided to:

- Nowra office of the National Parks and Wildlife Service,
- Property owner Brian Glanville, at the junction of Danjera Creek and Shoalhaven River (Thomson's Corner), Lot 1 DP755916, Ph. 0409 043 134.

- Advice of impending raised water levels in Yalwal Creek may be considered for inclusion in press releases in conjunction with the drought, however from past experience, the effect of the extra volume of water is considered to be relatively minor.

### 6.3 Porter's Creek Dam

Once the Drought Management Plan is in operation, it is to be noted that once drawdown reaches 1.5m (70%), water from Porters Creek Dam is to be conserved.

The remaining water in Porters Creek Dam will be needed for:

- During peak periods, supplementing Northern Water, which will be pumped to Milton during dry periods
- Emergency storage in case of supply problems from the north (trunk main, pump or power failure)
- Emergency firefighting purposes
- Provide water for the survival of aquatic species and the environment

## 7 WATER CONSERVATION PROMOTION

Promotion via Shoalhaven Water website, local radio, print and social media to highlight:

- Need to conserve water- encouragement
- Number of days of supply
- Level of storage
- Hot, dry conditions, low river flows
- Provide conservation tips
- Impending restrictions
- Advise community regarding the Information Hotline (1300 66 2246)

Advise the following government agencies of the possible impending restrictions:

- Natural Resources Access Regulator (NRAR) – Water License Regulator
- NPWS – Land Managers adjacent Danjera Creek
- WaterNSW – Shoalhaven River monitoring
- NSW Dept of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Health

**Responsibility:** Manager Water Business Services

## 8 WATER RESTRICTION PROMOTION (Media Strategy)

Following a decision to apply water restrictions, notification (see Appendix 5) will be undertaken on Shoalhaven Water website, local radio, print and social media (and possibly TV) for the following:

- Media release - details of the restrictions
- Water Saving tips
- Process for applying for a Variation
- Methods of policing the restrictions and penalties applicable

- The water restriction 'hotline'
- Posters for community notice boards
- Signage at city boundaries
- Shoalhaven Water website
- Feature Articles
- Grey Water Use Guidelines
- Releases of Water from Danjera Dam
- Advise community regarding the Information Hotline (1300 662 246)
- Electronic mobile signage moved around villages
- Email to rate payers

Consideration should be given for a "flyer" along with an email to rate payers to be distributed to all properties in the City to ensure total coverage. Consideration should be given to posting/emailing the flyer to non-Shoalhaven resident owners for their information.

Detailed briefings are to be provided to all Shoalhaven Water personnel, particularly in the Customer Service office and outdoor areas.

Liaise with the other areas of Shoalhaven City Council to ensure awareness of restrictions and their application and potential impact (e.g. irrigation of sporting fields, water for road construction).

### 8.1 Community and Agency Consultation

An important aspect of ensuring the success of the DMP is the communication of the plan, especially during the operation of restrictions. Communication tools will be provided to assist customers during implementation of the plan and enable them to gain details of restrictions.

The Manager Water Business Services has the responsibility for the communication of the plan to the public. The local media (print and radio), the Shoalhaven Water website, social media and the telephone hotline, will be used to:

- Notify the public and stakeholders of the level of restrictions in place and the penalties for non-compliance;
- Publish activities exempt from the restrictions and outlining the processes for applying for exemption; and
- Publish tips for saving water

All Drought Management Plan communications to the public and stakeholders shall be consistent with the stages of the Drought Management Plan.

The Manager Water Business Services, with assistance from the Unit Manager Water Operations will also be responsible for ensuring other written and verbal feedback given to Council Officers is collected and the feedback supplied to the Drought Management Team.

It is the role of the Director - Shoalhaven Water, to communicate the plan to operating and managerial staff and ensure they have sufficient knowledge and resources to implement it during times of drought.

The Director - Shoalhaven Water will notify the relevant government agencies, when dictated by the Drought Management Plan, including NSW Health and DCCEEW. During operation of the plan,

Shoalhaven Water Operations will ensure that signage is placed at boundaries of the service area to ensure visitors to the area are aware of the restriction regime in force at the time.

## 8.2 Legislation

Water restrictions, if necessary, are imposed under the Local Government (General) Regulation 2021 Part 6 Div 1 Clause 137

## 8.3 Imposition and Lifting of Water Restrictions

The CEO under delegation from Council has authority to impose water restrictions (Council Minute 98.184). The CEO also has delegated authority to lift water restrictions.

## 8.4 Areas Affected

Restrictions may be imposed:

- (a) Across the City; or
- (b) Within selected parts of the City

Any water supply agreements are subject to the restrictions imposed.

## 8.5 Restriction Levels

Shoalhaven City Council has 3 levels of water restriction beyond its permanent water saving guidelines that are imposed at all times. Each level of water restriction will impose more stringent water usage conditions to reduce water consumption demands for the region. These restrictions are as follows:

Level 2 water restriction

Level 3 water restriction

Level 4 water restriction

## 9 REGULATION

Manager Water Business Services to liaise with Rangers Service regarding resources to implement regulation.

Following the imposition of water restrictions, processing of applications for variations, monitoring of restrictions and the penalty notice process will be operational.

During water saving restrictions, warnings shall be issued to offenders and infringement notices issued at the discretion of the Director - Shoalhaven Water or the Lead Ranger Services.

### 9.1 Variations

**Standard Variations** - Variations will be provided for commercial/ industrial/community service customers to maintain the viability of any business or community service reliant on reticulated water supply.

**Special Variations** - Applications for other variations, to be known as Special Variations, may be made in the following ways:

- Direct contact
- Shoalhaven Water Website

Approval of applications will ensure that water use is the minimum necessary to maintain a business and is consistent with the levels of water restriction as they are introduced.

Special Variations will be provided via an online form that can be displayed by the applicant to verify that approval has been granted, and the conditions of that approval.

All variations will specifically cover the various restriction levels.

**Responsibility:** Manager Water Business Services

### 9.2 Monitoring

Monitoring to ensure compliance with water restrictions will be by the following:

Rangers working with Inspectors as required to follow up on reported infringements in the following areas;

- Northern Shoalhaven
- Central Shoalhaven
- Southern Shoalhaven

(Inspectors may be from either the Operations and Maintenance Section or Asset, Planning & Development Section).

Council staff instructed to report any sightings of possible infringements.

Engagement of private security firms as required to undertake random inspections of the above areas during daylight hours (am and pm) and to report any infringement to the relevant inspector.

All Council staff instructed to report any sightings of possible infringements to Shoalhaven Water. The appropriate Ranger would then be advised and will attend and interview the suspected offender. This interview would be cautionary and to ensure the person is aware of restrictions and notify that any further offence could lead to a fine.

**Responsibility:** Director - Shoalhaven Water

### 9.3 Penalty Notice Process

Council's Ranger Service are responsible for undertaking interviews of repeat offenders. Offenders identified when Level 2, 3 or 4 restrictions are in place may be dealt with by way of penalty notice not caution given the extensive education and community consultation undertaken. These decisions will be in consultation with the Director - Shoalhaven Water and in accordance with Councils Compliance & Enforcement Policy. Once a penalty notice has been issued by Council, the notice is transferred to Revenue NSW who administers all penalty notices for the State of New South Wales and has provisions to adjudicate on representation, adopt payment plans and coordinate the Court election process.

Offence Provision.

In accordance with the *Local Government Act*, section 637 it is an offence to "Wiffully or negligently wasting or misusing water from a public water supply" - Penalty of \$220

**Responsibility:** Director - Shoalhaven Water

### 9.4 Water Restriction Lifting Notification

Once the River Flow increases above 90ML/day and the breaking of drought is foreseen by the Drought Management, the Director - Shoalhaven Water will advise and obtain approval from the CEO to lift the water restriction.

Water Restrictions will be lifted when the following matters are assessed:

- The long-term forecast for rain is considered positive, and
- The capacity within council dams
- It is unlikely that water restrictions will be re-imposed within 90 days

On approval to lift restrictions, the general community would be advised via local radio/print media, websites and social media.

**Responsibility:** Director - Shoalhaven Water

## Appendix A Relevant Legislation Standards & Codes

The following provides Council's authority and reference:

- Local Government Act 1993 provides for Local Government to take action as is necessary (e.g. implementing policy) to ensure compliance with relevant standards or requirements set or made by this Act
- Water Act 1912 No. 44 Section 22B, has provision for extreme drought in which water allocations may be altered and licence conditions varied in the event of extreme drought
- Water Management Act 2000 overrides the general provisions encompassed in a Plan in order to recognise human domestic needs as a priority even over the environment. Chapter 3, Part 2, Division 1, Section 60 deals with rules of distribution
- Water Management Amendment Act 2008, No. 73
- Water Management (General) Reg. 2004
- Public Health Act 2010
- State Emergency and Rescue Management (SERM) Act 1989
- Local Government (General) Regulation 2021 – Part 6 Water Services – Division 1 General Provisions, Clause 137 allows water restrictions to be imposed, if necessary) :
- AS/NZS 4360 Risk Management
- Implementation Guide for Emergency Management Committees (NSW State Emergency Management Committee)
- Australian Drinking Water Guidelines (NHMRC 2011)
- Guidelines for drinking water quality (4th ed. World Health Organisation)
- Regulatory and Assurance Framework
- Penalty Notices – Fixed Penalty Handbook for Local Councils (Infringements Processing Bureau, NSW Police Service)
- Councils – Compliance & Enforcement Policy (POL22/11)
- Wise Water Management – A Demand Management Manual for Water Utilities (UTS)
- Water sharing Plan for the Greater Metropolitan region Unregulated River Water Sources 2023

## Appendix B Council's Water Extraction Entitlements, Assurances & Licences

- **Water Access Licence Number – WAL 25350**

### Shoalhaven River – Approval No. 10CA 102367

- Date of Effect 1/07/2011
- Expiry Date – 30/6/2034
- Licence Conditions.
- Schedule 1, Protocols for SCC's Drinking Water Releases from Tallowa Dam.

### Danjera Creek – Approval No. 10WA 102390

- Issue Date 1/7/2011
- Expiry Date – 09/10/2027
- Licence Conditions.

### Flatrock Dam – Approval No. 10CA 102342

- Issue Date 1/7/2011
- Expiry Date – 29/01/2035
- Licence Conditions.

- **Water Access Licence Number – WAL 38142**

### Porters Creek – Licence No. 10CA 120004

- Issue Date 1/7/2016
- Expiry Date – 30/6/2029
- Licence Conditions.

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**Water Access Licence Number – WAL 25350**

Category [Subcategory]	Status	Water Source	Tenure Type	Management Zone	Share Components (units or ML)	IDEC (Daily flow shares)
Local Water Utility	Current	Lower Shoalhaven River Catchment Water Source	Specific Purpose		22,902.00	N/A

Extraction Times or Rates
Subject to conditions water may be taken at any time or rate

Nominated Work Approval(s)
10CA102342
10CA102367
10WA102390

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**Shoalhaven River – Approval No. 10CA 102367**



**Statement of Approval**  
Water Management Act 2000

**Approval details**

<b>Approval number</b>	10CA102367
<b>Status</b>	CURRENT*
<b>Approval kind</b>	Water Supply Works Water Use
<b>Water sharing plan</b>	GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023
<b>Date of effect</b>	01/Jul/2011
<b>Expiry date</b>	30/Jun/2034
<b>Approval holder(s)</b>	Schedule 1
<b>Water supply works</b>	Schedule 2
<b>Water use</b>	Schedule 3
<b>Conditions</b>	Schedule 4

**Approval details**

10CA102367

CURRENT\*

Water Supply Works  
Water Use

GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023

01/Jul/2011

30/Jun/2034

Schedule 1

Schedule 2

Schedule 3

Schedule 4

**Contact for service of documents**

**Name** SHOALHAVEN CITY COUNCIL

**Address** C/- The Director  
Shoalhaven Water  
PO Box 42  
NOWRA NSW 2541

\* Note: An approval has effect for such period as is specified in the approval, or if the period is extended under section 105, that extended period. If an application for extension of an approval is lodged before the approval expires, the term of the expiring approval is extended until either the date of the final decision on the application, or a date fixed by the Minister for the approval, whichever is the later date. An approval which has expired can be the subject of an application to extend it but it needs to be accompanied by a statutory declaration of the reasons for the delay in making the application. If the Minister accepts these reasons the term of the approval is taken to have been extended, and the application may be dealt with, as if the application had been made before the approval expired.

It is an offence under the Water Management Act 2000 to breach a term or condition of the approval or to construct and use works to which the approval does not relate. It is also an offence to use works the subject of an approval if the approval has expired, been surrendered or cancelled.

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102367



**Schedule 1 - Approval holders**

The holders of this approval are:

Approval holder(s)	ACN (if applicable)
SHOALHAVEN CITY COUNCIL	

SHOALHAVEN CITY COUNCIL

**Important notice - change of landholder or contact**

Please advise the Office in the event of any of the following, as soon as practicable:

- If there is a change in the ownership or occupation of the land benefited by this approval (see Schedule 2). Under the Water Management Act 2000, an approval is typically held by the owner or lawful occupier of the benefited land. Consequently, a change in occupation may cause a change in your legal obligations as an approval holder.\*
- If there is a change to the contact person. You will be required to lodge a written statement signed by all the holders.\*
- If there is a change to the mailing address for the nominated contact person. This should be done by the contact person in writing.

\* An updated Statement of Approval will be issued free of charge

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102367

**Schedule 2 - Water supply works**

**Part A: Authorised water supply works**

Subject to the conditions of this approval, in relation to each numbered work in the table, the holders of this approval are authorised to construct and use a water supply work of the type shown at the location specified:

**Work 1**

<b>Work identifier</b>	1000131683
<b>Specified work</b>	OTHER PUMP x 3
<b>Specified location</b>	A//391473 Whole Lot
<b>Management zone (if applicable)</b>	
<b>Water source</b>	LOWER SHOALHAVEN RIVER CATCHMENT WATER SOURCE
<b>Water sharing plan</b>	GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102367

**Schedule 3 - Water Use**

Subject to the conditions of this approval, the holder(s) of this approval is authorised to use water for the following purpose(s) and location(s):

**Purpose 1**

**Specified purpose** TOWN WATER SUPPLY

**Specified location** A//391473

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102367

<b>Schedule 4 - Conditions</b>	
The approval is subject to the following conditions:	
<b>Plan conditions</b>	
<b>Water sharing plan</b>	<b>Greater Metropolitan Region Unregulated River Water Sources 2023</b>
<b>Monitoring and recording</b>	
<b>MW8614-00001</b>	<p>A. Before water is taken through the water supply work authorised by this approval, the approval holder must confirm that cease to take conditions do not apply and water may be taken.</p> <p>B. Where the approval holder is required to keep a logbook, the approval holder must record the confirmation, including the way in which the confirmation was established, in a logbook.</p> <p>C. This condition does not apply to a water supply work that is used only for the purpose of taking water under a basic landholder right.</p>
<b>MW8481-00001</b>	<p>A. The approval holder must record the following information in a logbook each time that water is taken using a water supply work authorised by this approval:</p> <ul style="list-style-type: none"> <li>i. date, start and end time when water is taken, and the volume of water taken, and</li> <li>ii. the access licence number or the authority (such as a licence exemption) under which the water is taken, and</li> <li>iii. the purposes for which water is taken, and</li> <li>iv. details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting, and</li> <li>v. where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken, and</li> <li>vi. where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time.</li> </ul> <p>B. This condition does not apply to a water supply work that:</p> <ul style="list-style-type: none"> <li>i. is used only for the purpose of taking water under a basic landholder right, or</li> <li>ii. has both an operational meter that complies with Australian Standard AS 4747 - Meters for non-urban water supply, and data logger.</li> </ul> <p>C. This condition ceases to apply to this approval on the day that the mandatory metering equipment condition applies to this approval under the Water Management (General) Regulation 2018.</p>
<b>MW6612-00001</b>	A logbook used to record water take information must be retained for five (5) years from the last date recorded in the logbook.
<b>Other conditions</b>	

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102367

<b>Water management works</b>	
<b>DS2349-00001</b>	The approval holder must make all reasonable efforts not to allow any used water to discharge, by any means including surface or subsurface drains or pipes, into or onto: A. any adjoining public or crown road; B. any other person's land; C. any Crown land; D. any river, creek or watercourse or aquifer.
<b>DK0888-00001</b>	Any water supply work authorised by this approval used for the purpose of conveying, diverting or storing water must be constructed or installed to allow free passage of floodwaters flowing into or from a river or lake.
<b>DK0878-00001</b>	A. The construction, installation or use of the water supply work authorised by this approval must not cause or increase erosion to the channel or bank of the watercourse. B. If erosion is observed, the area must be stabilised with grass cover, stone pitching or any other material that will prevent any further occurrence of erosion.
<b>Additional conditions</b>	
<b>NS17616</b>	(a) The approval holder may in any one year commencing 1 July divert up to the total volume of 22,902 ML of water from the Shoalhaven River Catchment for the operation of the Northern Shoalhaven water supply scheme, including transfers to the Southern Shoalhaven water scheme. This volume is the total entitlement shared between works authorised by this approval, as well as Danjera Creek dam (10WA102390) and Flat Rock Creek dam (10CA102342).  (b) Notwithstanding paragraph (a), the approval holder may divert up to twice the total volume in one year, provided diversions do not exceed three times the approved volume in any three-year period.  (c) Notwithstanding paragraph (a), when combined river flow in Kangaroo and Shoalhaven rivers measured at Hampden Bridge and Fossickers Flat respectively is below 90 ML/day, extraction from the Shoalhaven River at Burrier must only be carried out when water is released from Danjera Creek dam (10WA102390) and/or Tallowa dam, in accordance with the "protocols for Shoalhaven City Council's drinking water releases from Tallowa dam (protocol)" provided in Schedule 1.  (d) The approval holder must notify the Ministerial corporation in writing of the commencement of releases made under the protocol, before commencement of the releases.  (e) The approval holder must provide the Ministerial corporation with written details of all releases made under the protocol within 60 days following cessation of releases, or upon request of the Ministerial corporation.

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102367

**Glossary**

**cease to take** - Cease to take conditions means any condition on this approval, or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.

**logbook** - A logbook is a document, electronic or hard copy, that records specific required information.

**General Notes**

All conditions on an approval require compliance. An appeal to the Land and Environment Court against a decision to impose certain conditions on an approval can be made within 28 days after the date the decision is made. Conditions identified with the first letter "D" are those that can be appealed during the appeal period.

The words in this approval have the same meaning as in the *Water Management Act 2000*

**Note:** The words in this approval have the same meaning as in the WMA

**END OF STATEMENT**

## Danjera Creek – Approval No. 10WA 102390

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Water Supply Works	01-JUL-2011	09-OCT-2027	10WA102390	Current	Lower Shoalhaven River Catchment Water Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Suffix	Work ID	ESID
Storages	Overshot Dam	NA	Active	1	Lot 4, DP 252335	Whole Lot	1000131697	56213
					Lot 5, DP 252335	CLOSED ROAD WITHIN	1000131697	56213
					Lot 5, DP 252335	Whole Lot	1000131697	56213
					Lot 5, DP 252335	PART ROAD WITHIN	1000131697	56213
					DP 755931	Whole Lot	1000131697	56213
					DP 755931	Whole Lot	1000131697	56213
					Lot 3, DP 755936	CLOSED ROAD WITHIN	1000131697	56213

Water Access Licences nominating these works			
Reference Number	WAL Number	WAL Status	Status Date
10AL102341	25350	Current	01-JUL-2011

### Conditions

#### Plan Conditions

Water sharing plan	Greater Metropolitan Region Unregulated River Water Sources 2023
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#### Take of water

- MW0655-00001 Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.
- MW0911-00001 Before water is taken through the water supply work authorised by this approval, visible flow in the water source at the location at which water is proposed to be taken must be confirmed.
- If a logbook is required to be kept:
- A. confirmation that water may be taken, and
  - B. the method of confirmation, such as visual inspection, internet search
- must be recorded in the logbook.

#### Monitoring and recording

- MW0482-00001 Where a water meter is installed on a water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.
- This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.
- MW2336-00001 The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.
- This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.
- MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.
- MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.
- MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:
- A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and
  - B. the access licence number under which the water is taken, and
  - C. the approval number under which the water is taken, and
  - D. the volume of water taken for domestic consumption and/or stock watering.
- This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.

#### Other Conditions

#### Water management works

- DK0871-00001 The water supply work authorised by this approval must be constructed and maintained in a way that will:
- A. ensure the work's safe construction and operation, and
  - B. prevent the possibility of damage being caused by the work, or resulting from the work, to any public or private interest.

#### Additional conditions

- NS16195 The level of the crest of the overshot section of the dam shall have an effective length of not less than 11.4 m comprising twenty two bays, each not less than 5.18 m in width and the level of the said crest shall be fixed at not higher than reduced level 73.76 m

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- below the level of a bench mark established on a concrete block on the right bank of the watercourse near the work and particulars of which are retained in the office of the relevant licensor.
- NS16196 The approval holder may install over the crest of the overshot of the dam, twenty two counter-weighted steel gates, each 5.18 m wide, (one to each of the bays) and in accordance with the details shown on drawing no. 4728-113, a copy of which is retained in the office of the relevant licensor. The level of the top of each gate when raised to its full height shall be fixed at not higher than reduced level 76.2 m standard datum, being a level of 34.43 m below the level of the bench mark referred.
- NS16197 Each of the gates shall be fitted with a counter-weight in accordance with the details and dimensions shown on drawing no. 4728-113, a copy of which is retained in the office of the relevant licensor, so that they will open one at a time in the sequence and at the spillway discharges indicated on the said drawing no. 4728-113.
- NS16198 The licensee shall install through the dam a pipe with a diameter of not less than 610 mm with the level of the invert not higher than reduced level 47.24 m standard datum, being a level 63.39 m below the level of the established benchmark. The said pipes shall each be fitted with a stop valve or other suitable control device, to the satisfaction of the relevant licensor.
- NS16199 The licensee shall install through the dam two pipes each with a diameter of not less than 457 mm and with the level of the invert of the one fixed at not higher than reduced level 62.48 m standard datum and of the other not higher than reduced level 67.0 m standard datum, being levels 144.44 m and 43.57 m respectively below the level of the established benchmark. The said pipes shall each be fitted with a stop valve or other suitable control device, to the satisfaction of the relevant licensor.
- NS16200 The construction of the dam shall be carried out in accordance with the foregoing conditions and the details shown on Drawings 4728-101 to 120 inclusive, copies of which are retained in the office of the relevant licensor.
- NS16201 The approval holder may in any one year commencing 1 July divert up to the total volume of 22,902 ML of water from the Shoalhaven River catchment for the operation of the Northern Shoalhaven water supply scheme, including transfers to the Southern Shoalhaven water supply scheme. This volume is the total entitlement shared between works authorised by this approval, as well as Burner pump station (10CA102367), and Flat Rock creek dam (10CA102342).

**Flatrock Dam – Approval No. 10CA 102342**



**Statement of Approval**  
Water Management Act 2000

<b>Approval details</b>	
<b>Approval number</b>	10CA102342
<b>Status</b>	CURRENT*
<b>Approval kind</b>	Water Supply Works Water Use
<b>Water sharing plan</b>	GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023
<b>Date of effect</b>	01/Jul/2011
<b>Expiry date</b>	29/Jan/2035
<b>Approval holder(s)</b>	Schedule 1
<b>Water supply works</b>	Schedule 2
<b>Water use</b>	Schedule 3
<b>Conditions</b>	Schedule 4
<b>Contact for service of documents</b>	
<b>Name</b>	SHOALHAVEN CITY COUNCIL
<b>Address</b>	C/- The Director Shoalhaven Water PO BOX 42 NOWRA NSW 2541

\* Note: An approval has effect for such period as is specified in the approval, or if the period is extended under section 105, that extended period. If an application for extension of an approval is lodged before the approval expires, the term of the expiring approval is extended until either the date of the final decision on the application, or a date fixed by the Minister for the approval, whichever is the later date. An approval which has expired can be the subject of an application to extend it but it needs to be accompanied by a statutory declaration of the reasons for the delay in making the application. If the Minister accepts these reasons the term of the approval is taken to have been extended, and the application may be dealt with, as if the application had been made before the approval expired.

It is an offence under the Water Management Act 2000 to breach a term or condition of the approval or to construct and use works to which the approval does not relate. It is also an offence to use works the subject of an approval if the approval has expired, been surrendered or cancelled.

Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102342

**Schedule 1 - Approval holders**

The holders of this approval are:

Approval holder(s)	ACN (if applicable)
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SHOALHAVEN CITY COUNCIL	
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**Important notice - change of landholder or contact**

Please advise the Office in the event of any of the following, as soon as practicable:

- If there is a change in the ownership or occupation of the land benefited by this approval (see Schedule 2). Under the Water Management Act 2000, an approval is typically held by the owner or lawful occupier of the benefited land. Consequently, a change in occupation may cause a change in your legal obligations as an approval holder.\*
- If there is a change to the contact person. You will be required to lodge a written statement signed by all the holders.\*
- If there is a change to the mailing address for the nominated contact person. This should be done by the contact person in writing.

\* An updated Statement of Approval will be issued free of charge

Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102342

<b>Schedule 2 - Water supply works</b>	
<b>Part A: Authorised water supply works</b>	
Subject to the conditions of this approval, in relation to each numbered work in the table, the holders of this approval are authorised to construct and use a water supply work of the type shown at the location specified:	
<b>Work 1</b>	
<b>Work identifier</b>	1000131668
<b>ESID number</b>	56186
<b>Specified work</b>	OVERSHOT DAM
<b>Specified location</b>	375//755952 CROWN LAND SOUTH
<b>Management zone (if applicable)</b>	
<b>Water source</b>	LOWER SHOALHAVEN RIVER CATCHMENT WATER SOURCE
<b>Water sharing plan</b>	GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023
<b>Work 2</b>	
<b>Work identifier</b>	1000131669
<b>ESID number</b>	56186
<b>Specified work</b>	100MM CENTRIFUGAL PUMP x 2
<b>Specified location</b>	375//755952 CROWN LAND SOUTH
<b>Management zone (if applicable)</b>	
<b>Water source</b>	LOWER SHOALHAVEN RIVER CATCHMENT WATER SOURCE
<b>Water sharing plan</b>	GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102342

**Schedule 3 - Water Use**

Subject to the conditions of this approval, the holder(s) of this approval is authorised to use water for the following purpose(s) and location(s):

**Purpose 1**

**Specified purpose** TOWN WATER SUPPLY

**Specified location** 375//755952

Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102342

<b>Schedule 4 - Conditions</b>	
The approval is subject to the following conditions:	
<b>Plan conditions</b>	
<b>Water sharing plan</b>	<b>Greater Metropolitan Region Unregulated River Water Sources 2023</b>
<b>Monitoring and recording</b>	
<b>MW8614-00001</b>	<p>A. Before water is taken through the water supply work authorised by this approval, the approval holder must confirm that cease to take conditions do not apply and water may be taken.</p> <p>B. Where the approval holder is required to keep a logbook, the approval holder must record the confirmation, including the way in which the confirmation was established, in a logbook.</p> <p>C. This condition does not apply to a water supply work that is used only for the purpose of taking water under a basic landholder right.</p>
<b>MW8481-00001</b>	<p>A. The approval holder must record the following information in a logbook each time that water is taken using a water supply work authorised by this approval:</p> <ul style="list-style-type: none"> <li>i. date, start and end time when water is taken, and the volume of water taken, and</li> <li>ii. the access licence number or the authority (such as a licence exemption) under which the water is taken, and</li> <li>iii. the purposes for which water is taken, and</li> <li>iv. details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting, and</li> <li>v. where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken, and</li> <li>vi. where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time.</li> </ul> <p>B. This condition does not apply to a water supply work that:</p> <ul style="list-style-type: none"> <li>i. is used only for the purpose of taking water under a basic landholder right, or</li> <li>ii. has both an operational meter that complies with Australian Standard AS 4747 - Meters for non-urban water supply, and data logger.</li> </ul> <p>C. This condition ceases to apply to this approval on the day that the mandatory metering equipment condition applies to this approval under the Water Management (General) Regulation 2018.</p>
<b>MW6612-00001</b>	<p>A logbook used to record water take information must be retained for five (5) years from the last date recorded in the logbook.</p>
<b>Other conditions</b>	

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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102342

<u>Water management works</u>	
<b>DK0871-00001</b>	<p>The water supply work authorised by this approval must be constructed and maintained in a way that will:</p> <p>A. ensure the work's safe construction and operation, and</p> <p>B. prevent the possibility of damage being caused by the work, or resulting from the work, to any public or private interest.</p>
<u>Additional conditions</u>	
<b>NS16240</b>	<p>The crest of the overshot dam shall have a length of not less than 64.92 m with level fixed at not higher than 5.77 m below the level of a bench mark established on a rock on the right bank of the watercourse near the work and particulars of which are retained in the office of the relevant licensor.</p>
<b>NS16241</b>	<p>A 600 mm scour pipe shall be constructed through the dam with the level of the invert fixed at 17.21 m below the level of the established benchmark and fitted with a stop valve or other control device, to the satisfaction of the relevant licensor.</p>
<b>NS16242</b>	<p>(a) Subject to any access and flow conditions contained in this approval, the approval holder may in any one year commencing 1 July divert up to the total licensed volume of 22,902 ML of water from the Shoalhaven catchment for the operation of the Northern Shoalhaven water supply scheme, including transfers to the Southern Shoalhaven water supply scheme. This volume is the total entitlement shared between works authorised by this licence, as well as Burrier Pump Station (10CA102367), and Danjera Creek Dam (10WA102390).</p> <p>(b) Notwithstanding paragraph (a), the approval holder may divert up to twice the licensed volume in any one year, provided diversions do not exceed three times the approved volume in any three-year period.</p>
<b>Glossary</b>	<p><b>cease to take</b> - Cease to take conditions means any condition on this approval, or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.</p> <p><b>licensor</b> - WaterNSW or DPI Water, depending on which organisation administers your licences and/or approvals</p> <p><b>logbook</b> - A logbook is a document, electronic or hard copy, that records specific required information.</p>
<b>General Notes</b>	<p>All conditions on an approval require compliance. An appeal to the Land and Environment Court against a decision to impose certain conditions on an approval can be made within 28 days after the date the decision is made. Conditions identified with the first letter "D" are those that can be appealed during the appeal period.</p> <p>The words in this approval have the same meaning as in the <i>Water Management Act 2000</i></p>

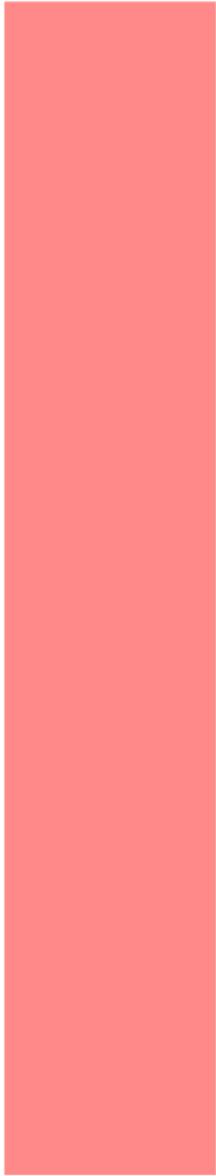
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Department of Climate Change, Energy, the Environment and Water

Approval number: 10CA102342



Note: The words in this approval have the same meaning as in the WMA

END OF STATEMENT

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## Water Access Licence Number – WAL 38142

Category [Subcategory]	Status	Water Source	Tenure Type	Management Zone	Share Components (units or ML)	IDEC (Daily flow shares)
Local Water Utility	Current	Upper Clyde River Water Source	Specific Purpose		1,000.00	N/A

### Extraction Times or Rates

Subject to conditions water may be taken at any time or rate

### Nominated Work Approval(s)

10CA120004

### Conditions

#### Plan Conditions

Water sharing plan	Clyde River Unregulated and Alluvial Water Sources 2016
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#### Take of water

MW0112-00001 The maximum water allocation that may be carried over in the account for this access licence from one water year to the next water year is:

- A. a volume equal to 100 % of the share component of the licence, or
- B. 1 ML/unit share of the share component of the licence.

MW0005-00008 From 1 July 2016 until 30 June 2019, the total volume of water taken under this access licence in these three (3) water years must not exceed a volume equal to:

- A. 50 % of the water in the account from the available water determination in the first water year (1 July 2016 until 30 June 2017), plus
- B. the sum of water in the account from the available water determinations in the second and third water years, plus
- C. any net amount of water either assigned to or from the account under a water allocation assignment in those 3 water years, plus
- D. any water re-credited by the Minister to the account in those 3 water years.

MW0004-00007 From 1 July 2017, the total volume of water taken in any three (3) consecutive water years under this access licence must not exceed a volume which is equal to the lesser of either:

- A. the sum of:
  - i. water in the account from the available water determinations in those 3 consecutive water years, plus
  - ii. water in the account carried over from the water year prior to those 3 consecutive water years, plus
  - iii. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus
  - iv. any water re-credited by the Minister to the account in those 3 consecutive water years,
- or
- B. the sum of:
  - i. the share component of this licence at the beginning of the first year in those 3 consecutive water years, plus
  - ii. the share component of this licence at the beginning of the second year in those 3 consecutive water years, plus
  - iii. the share component of this licence at the beginning of the third year in those 3 consecutive water years, plus
  - iv. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus
  - v. any water re-credited by the Minister to the account in those 3 consecutive water years.

MW0036-00008 The volume of water taken in any three (3) consecutive water years from 1 July 2017 must be recorded in the logbook at the end of those three water years. The maximum volume of water permitted to be taken in those years must also be recorded in the logbook.

#### Use of water

MA2455-00001 Water must be used for town water supply purposes.

#### Monitoring and recording

MW2336-00001 The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.

This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.

MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.

MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.

MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:

- A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and
- B. the access licence number under which the water is taken, and
- C. the approval number under which the water is taken, and
- D. the volume of water taken for domestic consumption and/or stock watering.

This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.

MW0027-00009 The volume of water taken from 1 July 2016 until 30 June 2019 must be recorded in the logbook at the end of 30 June 2019. The maximum volume of water permitted to be taken in those water years must also be recorded in the logbook. The first water year is

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from 1 July 2016 until 30 June 2017.

**Reporting**

MW0051-00003

Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as soon as practicable. The Minister must be notified by:

A. email: [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au),

or

B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

**Other Conditions**

NIL

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**Porters Creek – Licence No. 10CA 120004**

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Water Supply Works And Water Use	01-JUL-2016	30-JUN-2029	10CA120004	Current	Upper Clyde River Water Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Suffix	Work ID	ESID
Diversion Works - Other	Diversion Pipe	NA	Active	1	Lot 56, DP 755942	PART RESERVE WEST	1000232925	174215
Storages	Overshot Dam	NA	Active	1	Lot 56, DP 755942	PART RESERVE WEST	1000232924	174215

Use Purpose(s)	Location(s)
Town Water Supply	Lot 56, DP 755942

Water Access Licences nominating these works			
Reference Number	WAL Number	WAL Status	Status Date
10AL120003	38142	Current	01-JUL-2016

**Conditions**

**Plan Conditions**

Water sharing plan	
	Clyde River Unregulated and Alluvial Water Sources 2016

**Take of water**

MW0655-00001 Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.

**Monitoring and recording**

MW0482-00001 Where a water meter is installed on a water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.

This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.

MW0484-00001 Before water is taken through the water supply work authorised by this approval, confirmation must be recorded in the logbook that cease to take conditions do not apply and water may be taken.

The method of confirming that water may be taken, such as visual inspection, internet search, must also be recorded in the logbook.

If water may be taken, the:

- A. date, and
- B. time of the confirmation, and
- C. flow rate or water level at the reference point in the water source must be recorded in the logbook.

MW2336-00001 The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.

This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.

MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.

MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.

MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:  
A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and  
B. the access licence number under which the water is taken, and  
C. the approval number under which the water is taken, and  
D. the volume of water taken for domestic consumption and/or stock watering.

This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.

**Reporting**

MW0051-00001 Once the approval holder becomes aware of a breach of any condition on this approval, the approval holder must notify the Minister as soon as practicable. The Minister must be notified by:

- A. email: [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au), or
- B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

MW3860-00001 A. When a water supply work authorised by this approval is no longer to be used permanently, the approval holder must:  
i. notify the relevant licensor in writing of the intention to decommission the work at least 90 days before the start of decommissioning, and  
ii. decommission the work, unless the approval holder receives notice in writing from the Minister within 60 days of notifying DPI Water requiring that the work is not to be decommissioned or be decommissioned in accordance with specific requirements.

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B. Within 60 days of the work being decommissioned, the approval holder must notify the relevant licensor in writing that the work has been decommissioned.

**Other Conditions**

Water management works	
DK2499-00083	A pipe with a minimum diameter of 610 mm fitted with a stop valve, or other control device, must be constructed through the authorised dam. The invert level of the pipe must be fixed at not higher than 18.1 m below the benchmark, particulars of which are held in the relevant licensor, Nowra Office.
DK5623-00001	The level of the crest of the overshot of the dam must be fixed at not higher than 3.47 m below the level of a benchmark established on a messmate tree on the left bank of the watercourse near the work and particulars of which are retained in the office of DPI Water.
DK5339-00001	The approval holder must provide to DPI Water no later than 31st August each year a report (one hard copy and one electronic copy), containing raw data and analysis of all measurements taken to demonstrate compliance with volume entitlement, water access and flow conditions of this approval.
DK5657-00001	The level of the invert of the 460 mm diameter diversion pipe at its point of off-take must be fixed at not lower than 11.09 m below the level of the benchmark.
DK0871-00001	The water supply work authorised by this approval must be constructed and maintained in a way that will: <ul style="list-style-type: none"> <li>A. ensure the work's safe construction and operation, and</li> <li>B. prevent the possibility of damage being caused by the work, or resulting from the work, to any public or private interest.</li> </ul>

**Appendix C Water Access Licence Number – WAL 27433**

Category [Subcategory]	Status	Water Source	Tenure Type	Management Zone	Share Components (units or ML)	IDEC (Daily flow shares)
Major Utility(Urban Water)	Current	Shoalhaven River Gorge Water Source	Specific Purpose		329,000.00	N/A
<b>Extraction Times or Rates</b>						
Subject to conditions water may be taken at any time or rate						
<b>Nominated Work Approval(s)</b>						
10CA117211						
<b>- Conditions</b>						
<b>Plan Conditions</b>						
Water sharing plan	Greater Metropolitan Region Unregulated River Water Sources 2023					
<b>Take of water</b>						
MW5155-00002	A. By 31 July each year, the licence holder must submit to Crown Lands and Water Division, Parramatta Office, a record of the volume of water taken under this water access licence for the previous water year. B. The record must be provided in an electronic format. C. The record must include volume of water taken for each month and in total for the previous water year.					
<b>Other Conditions</b>						
NIL						

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## Shoalhaven River – Approval No. 10CA 117211

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Water Supply Works And Water Use	01-JUL-2011	30-JUN-2031	10CA117211	Current	Shoalhaven River Gorge Water Source
Water Supply Works And Water Use	01-JUL-2011	30-JUN-2031	10CA117211	Current	Lower Kangaroo River Water Source
Water Supply Works And Water Use	01-JUL-2011	30-JUN-2031	10CA117211	Current	Fitzroy Falls Water Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Suffix	Work ID	ESTD
Diversion Works - Pumps	Kangaroo Valley Pumping Station	NA	Active	1			Whole Lot 1000145725	280030
Storages	Fitzroy Falls Reservoir	NA	Active	1			Whole Lot 1000145726	280026
Storages	Lake Yarroonga	NA	Active	1			Whole Lot 1000145724	280028
Storages	Tallowa Dam	NA	Active	1			Whole Lot 1000145723	70745

Water Access Licences nominating these works			
Reference Number	WAL Number	WAL Status	Status Date
10AL116406	27433	Current	01-JUL-2011

### Conditions

#### Plan Conditions

Water sharing plan	Greater Metropolitan Region Unregulated River Water Sources 2023
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#### Take of water

MW0655-00001 Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.

MW0911-00001 Before water is taken through the water supply work authorised by this approval, visible flow in the water source at the location at which water is proposed to be taken must be confirmed.

If a logbook is required to be kept:

- A. confirmation that water may be taken, and
  - B. the method of confirmation, such as visual inspection, internet search
- must be recorded in the logbook.

MW5924-00001 A. Water must be released from Tallowa Dam to meet the supply requirements set in accordance with the Sydney Catchment Authority and Shoalhaven City Council Raw Water Supply Protocols, signed 5 January 2010, or as amended or replaced from time to time.

B. Releases are not required when:

- i. an emergency situation arises and Crown Lands and Water Division, Parramatta Office, is notified in writing within seven days of becoming aware of the emergency, or
- ii. requirements cannot be met due to water supply work capacity constraints or necessary maintenance, refurbishment or modification work that has the potential to temporarily affect the flow rate or behaviour of water for a period of more than 24 hours. In this circumstance the approval holder must notify in writing Crown Lands and Water Division, Parramatta Office, and be granted permission not to release from Crown Lands and Water Division, or
- iii. Crown Lands and Water Division requires an alternate release due to an emergency situation or a maintenance activity, or
- iv. the storage is spilling at a rate that equals or exceeds the respective release requirement specified in (A) above.

MW2452-00001 Water must be taken through metering equipment that meets the following requirements:

- A. the metering equipment must accurately measure and record the flow of all water taken through the water supply work authorised by this approval,
- B. the metering equipment must comply with the Australian Standard AS 4747: 'Meters for non-urban supply', as may be updated from time to time,
- C. the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and
- D. the metering equipment must be operated and maintained in a proper and efficient manner at all times.

This condition ceases to apply to a work on the day on which that work is required to comply with the mandatory metering equipment condition under the Water Management (General) Regulation 2018.

#### Environmental matters

MW4971-00001 Water transfer from the Shoalhaven River Water Source to the Upper Nepean and Upstream Warragamba Water Source must not commence unless:

- A. the total volume of water in Water NSW storages within these water sources is less than 75 % of the total storage capacity of those storages; and
- B. the level of water in Lake Yarroonga is equal to or greater than 55.34 m AHD.

MW5878-00001 A. Daily releases of water must be made from Fitzroy Falls Reservoir to Fitzroy Falls, so that at the end of each month five thirds of the months inflows have been released from Wildes Meadow Creek to Fitzroy Falls Reservoir, as measured at the Yarrunga Creek at Wildes Meadow gauge [No. 215233].

B. Releases are not required when:

- i. an emergency situation arises and Crown Lands and Water Division, Parramatta Office, is notified in writing within seven days of becoming aware of the emergency, or
- ii. requirements cannot be met due to water supply work capacity constraints or necessary maintenance, refurbishment or modification work that has the potential to temporarily affect the flow rate or behaviour of water for a period of more than 24 hours. In this circumstance the approval holder must notify in writing Crown Lands and Water Division, Parramatta Office, and be

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- granted permission in writing not to release from Crown Lands and Water Division, or  
iii. Crown Lands and Water Division requires an alternate release due to an emergency situation or a maintenance activity, or  
iv. the storage is spilling at a rate that equals or exceeds the respective release requirement specified in (A) above.  
C. If releases are not made under B(i), B(ii) or an alternative release is made under B(ii) then the approval holder must record the shortfall and credit the appropriate Banked Environmental Flow account.
- MW4970-00001 A Banked Environmental Flow account must be created and managed for Tallowa Dam and Fitzroy Falls Reservoir.
- MW4982-00001 The volume of water credited to a Banked Environmental Flow (BEF) account must:  
A. Only be released with the written direction of Crown Lands and Water Division.  
B. Reset to zero if any water spills over the water supply work.  
C. Be reduced at a rate of 1 % of the volume of water remaining in the BEF account per day.  
D. Releases must be managed so that the BEF account cannot have a negative balance.
- MW4981-00001 Water credited to a Banked Environmental Flow (BEF) account in the Upper Nepean and Upstream Warragamba Water Source can be transferred to any BEF account in the Upper Nepean and Upstream Warragamba Water Source after being granted written approval from Crown Lands and Water Division.
- MW5878-00004 A. Daily releases of water must be made from Tallowa Dam equal to:  
i. the daily inflows to Lake Yarrunga, when the daily inflow is less than or equal to the monthly 80th percentile flow; or  
ii. the monthly 80th percentile flow plus 20% of the difference between daily inflows and the monthly 80th percentile flow when the daily inflow is greater than the monthly 80th percentile flow.
- At the time of issuing this approval the 80th percentile flow thresholds are:  
January - 150 ML/day  
February - 161 ML/day  
March - 182 ML/day  
April - 259 ML/day  
May - 296 ML/day  
June - 334 ML/day  
July - 371 ML/day  
August - 332 ML/day  
September - 299 ML/day  
October - 281 ML/day  
November - 256 ML/day  
December - 179 ML/day.
- B. Releases are not required when:  
i. an emergency situation arises and Crown Lands and Water Division, Parramatta Office, is notified in writing within seven days of becoming aware of the emergency, or  
ii. requirements cannot be met due to water supply work capacity constraints or necessary maintenance, refurbishment or modification work that has the potential to temporarily affect the flow rate or behaviour of water for a period of more than 24 hours. In this circumstance the approval holder must notify in writing Crown Lands and Water Division, Parramatta Office, and be granted permission not to release from Crown Lands and Water Division, or  
iii. Crown Lands and Water Division requires an alternate release due to an emergency situation or a maintenance activity, or  
iv. the storage is spilling at a rate that equals or exceeds the respective release requirement specified in (A) above.  
C. If releases are not made under B(i), B(ii) or an alternative release is made under B(ii) then the approval holder must record the shortfall and credit the appropriate Banked Environmental Flow account.
- MW4972-00001 Water transfer from the Shoalhaven River Water Source to the Upper Nepean and Upstream Warragamba Water Source must cease when either:  
A. the total storage of Water NSW storages within these water sources is equal to or greater than 80 % of the total storage capacity; or  
B. the level of water in Lake Yarrunga is less than 55.34 m AHD.
- Monitoring and recording**
- MW0484-00001 Before water is taken through the water supply work authorised by this approval, confirmation must be recorded in the logbook that cease to take conditions do not apply and water may be taken.  
The method of confirming that water may be taken, such as visual inspection, internet search, must also be recorded in the logbook.  
If water may be taken, the:  
A. date, and  
B. time of the confirmation, and  
C. flow rate or water level at the reference point in the water source  
must be recorded in the logbook.
- MW2339-00001 A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.
- MW2338-00001 The completed logbook must be retained for five (5) years from the last date recorded in the logbook.
- MW2337-00001 The following information must be recorded in the logbook for each period of time that water is taken:  
A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and  
B. the access licence number under which the water is taken, and  
C. the approval number under which the water is taken, and  
D. the volume of water taken for domestic consumption and/or stock watering.  
This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.
- Reporting**
- MW5876-00001 Data must be made available to the public at the earliest time that is practically possible and no later than 9.00 am regarding details of any releases from its storages for environmental and other purposes, and details of any run of river transfers, planned for the next twenty four hours.

MW5877-00001 Once Crown Lands and Water Division requests in writing, data must be provided on flows at given reference points held by the approval holder, within 14 days to Crown Lands and Water Division, Parramatta Office.

MW4983-00001 Once Crown Lands and Water Division requests in writing information arising from the operation of the authorised water supply works, information must be provided within 30 days to Crown Lands and Water Division, Parramatta Office.

**Other Conditions**

**Water management works**

DK7694-00041 The location and specifications of the water supply work(s) authorised by this approval, shown on the attached plan titled - '10CA117211 Description of authorised works' stamped April 2022, must not be altered. A copy of the plan is held in the relevant licensor, Parramatta Office.

**Monitoring and recording**

DS6258-00001 All instrumentation, monitoring, data management and reporting must be carried out in accordance with quality assurance and quality control procedures, and national standards.

**Reporting**

DK5863-00004 A. By 30 November each year, an Annual Compliance Report for the preceding water year must be submitted to Crown Lands and Water Division, Parramatta Office.  
B. The report must contain:  
i. a compliance statement against each of the access licence and approval conditions;  
ii. analysis of all data for flow releases, water extractions, banked environmental flows and transfers made, comparisons with data from previous years, and an interpretation of the results;  
iii. an overview of the environmental monitoring program(s) that have been completed, its aims and objectives, methodologies and relevant maps;  
iv. an assessment of the effects of environmental flows and other water releases that have been completed during the water year;  
v. evidence verifying that the devices used for measuring and recording extractions and releases were subject to appropriate quality assurance and controls;  
vi. a list of all notifiable events; and  
vii. an electronic appendix that includes all raw data used in the preparation of this report.  
C. The report must be provided in electronic form.

## Appendix D SCC Water Release Protocols (Schedule 1)

### Protocols for SCC's Drinking Water Releases from Tallowa Dam

1. Shoalhaven City Council has entered a permanent water saving methodology which will act as constant Level 1 water restriction and proactively reduce its water usage demands.
2. When the river flow (combined Kangaroo and Shoalhaven rivers measured at Hampden Bridge and Fossickers Flat respectively) is above 90ML/day WaterNSW will release Shoalhaven City Council's daily water supply requirements from Tallowa Dam. When the river flow (combined Kangaroo and Shoalhaven rivers measured at Hampden Bridge and Fossickers Flat respectively) drops below 90ML/day, Shoalhaven City Council will request WaterNSW to release water from Tallowa Dam to satisfy the daily water consumption of Shoalhaven City Council, in addition to the environmental flow requirement.
3. Shoalhaven City Council will aim to maintain Bamarang Dam between 0.5m down and Full Storage Level ensuring storage capacity is maximised for emergency water supply. Requested releases from Tallowa Dam would only aim to meet consumer demands of Shoalhaven City Council while combined inflow is <90 ML/d.
4. Shoalhaven City Council will enter Level 2 water restrictions after river inflows to Tallowa Dam stay below a combined total of 90ML/day for 90 days. Further water restrictions will be enacted after each additional combined 90 days has passed where river inflows stay below 90ML/day.
5. Danjera Dam is available for emergency release if WaterNSW is unable to supply water to Shoalhaven City Council due to water quality issues, maintenance tasks or outages. Supply from Danjera Dam would be arranged by Shoalhaven City Council in consultation with WaterNSW.
6. Shoalhaven City Council will continue to request water from Tallowa Dam that only meets daily demand until river inflows continually exceed 90ML/day. At such time, Shoalhaven City Council will return to normal pumping regime and water requests from WaterNSW.

The process of lifting water restrictions is not a part of this protocol