

Modification Report

Proposed Section 4.55(2) Modification of Development Consent RA21/1003

Minor lot reconfiguration and realignment of Road 19 to
align with SF10804

For

Newquest Property Pty Ltd

Site address

**41 Main Road and 49 Hockeys Lane,
Badagarang (Lot 2 DP 1281802)**

Date

Updated 20/02/2025

Project Reference: 131306



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Table of Revisions

Initial	Rev	Date	Details
RL	O	1/11/2024	Draft for review
RL	A	21/11/2024	Final for client issue.
RL	B	2/12/2024	Update to reflect amended civils.
RL	C	20/02/2025	Updated to respond to Council RFI changes to report noted in red



1.0 INTRODUCTION

Allen Price (AP) has been engaged by Newpro23 Pty Ltd to prepare a Section 4.55(2) Modification Report to support an application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Determination No. RA21/1003 (the Consent) which was determined by the Southern Regional Planning Panel (SRPP) on 15 March 2023

The Consent approved the staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping at the site known as 41 Main Road and 49 Hockeys Lane, Badagarang (the Site).

This application is the fourth modification of RA21/1003, with modifications 1 – 3 as follows:

- Section 4.55(1A) application, DS23/1280 (approved by Shoalhaven City Council (SCC) on 3 October 2023) modified the Consent to:
 - Delete Condition 46(d) and provide new WSUD Conditions 46A and 46B.
 - Delete Condition 50 and provide two new conditions allowing staging of approved Vegetation Management Plan works; and
- Section 4.55(2) application, MA24/1082 (approved by the SRPP on 4 September 2024) modified the development staging.
- Section 4.55(2) application, MA24/1310 (currently under assessment) to amend the lot configuration and layout of a number of lots approved within approved stages 6 and 7 of the subdivision (as modified under MA24/1082), resulting in an additional 6 lots.

This subject modification seeks to reconfigure six lots (Lots 550 – 555) within approved Stage 4 (as modified under MA24/1082) as the result of a minor realignment of Road 19 in the north of the site to align with the proposed modification to SF10804 under DS23/1169 currently under assessment by Council.

The Modified Proposal includes the necessary modification of Conditions 1, 9, **31, 34, 35 and 38** of RA21/1003, as well as necessary modifications to the General Terms of Approval under Condition 9 provided by the Rural Fire Service to reflect the updated Bushfire Report and lot layout under this modification.

Southern Regional Planning Panel – Request for delegation to Council

Under State Environmental Planning Policy (Planning Systems) 2021 (SEPP) the SRPP is the relevant determining authority for the subject application, being a Section 4.55(2) modification of Council related development of \$5 million.

The proposed changes are unrelated to the type of Regional Development the application is under Schedule 6 of the Planning Systems SEPP, that is it does not relate to any approved Council infrastructure or Council land affected by this application. Further, given the minor nature of this application, it is requested that the Panel consider delegating the determination of this subject application to SCC (per section 2.16(2) and (6) of the EP&A Act) as outlined in the Sydney District & Regional Planning Panels Operational Procedures (NSW Dept. of Planning & Environment, November 2022).



2.0 SITE CHARACTERISTICS AND SURROUNDING LAND USES

2.1 KEY CHARACTERISTICS OF THE SITE

The original consent, RA21/1003, applied to the following properties:

- Taylors Lane, BADAGARANG - Lot 1 DP 1256748
- Taylors Lane, BADAGARANG - Lot 2 DP 1256748
- Taylors Lane, CAMBEWARRA - Lot 1191 DP 1256749
- 15A Main Rd, BADAGARANG - Lot 1271 DP 1264383
- 126 Taylors Lane, BADAGARANG - Lot 61 DP 1281131
- Taylors Lane, BADAGARANG - Lot 62 DP 1281131
- 49 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281802
- Taylors Lane, BADAGARANG - Lot 2 DP 1281802
- Taylors Lane, CAMBEWARRA - Lot 3 DP 1281802
- 41A Main Rd, BADAGARANG - Lot 1 DP 1289976
- Main Rd, BADAGARANG - Lot 2 DP 1289976
- 15 Main Rd, CAMBEWARRA - Lot 3 DP 1289976
- 41 Main Rd, CAMBEWARRA - Lot 4 DP 1289976

The general development boundary of the Consent within these properties is shown at Figure 1. The land to which this modification application relates is Lot 1 DP 1289976 shown overpage at Figure 2.

The construction of the approved subdivision under the Consent is underway as shown at Figure 1. With works under Stages 1-3 under the Consent completed. A Subdivision Works Certificate for the affected lots within Stage 4 has not yet been issued.



Figure 1. Aerial image of Site (Source: NearMap, dated 22 October 2024)

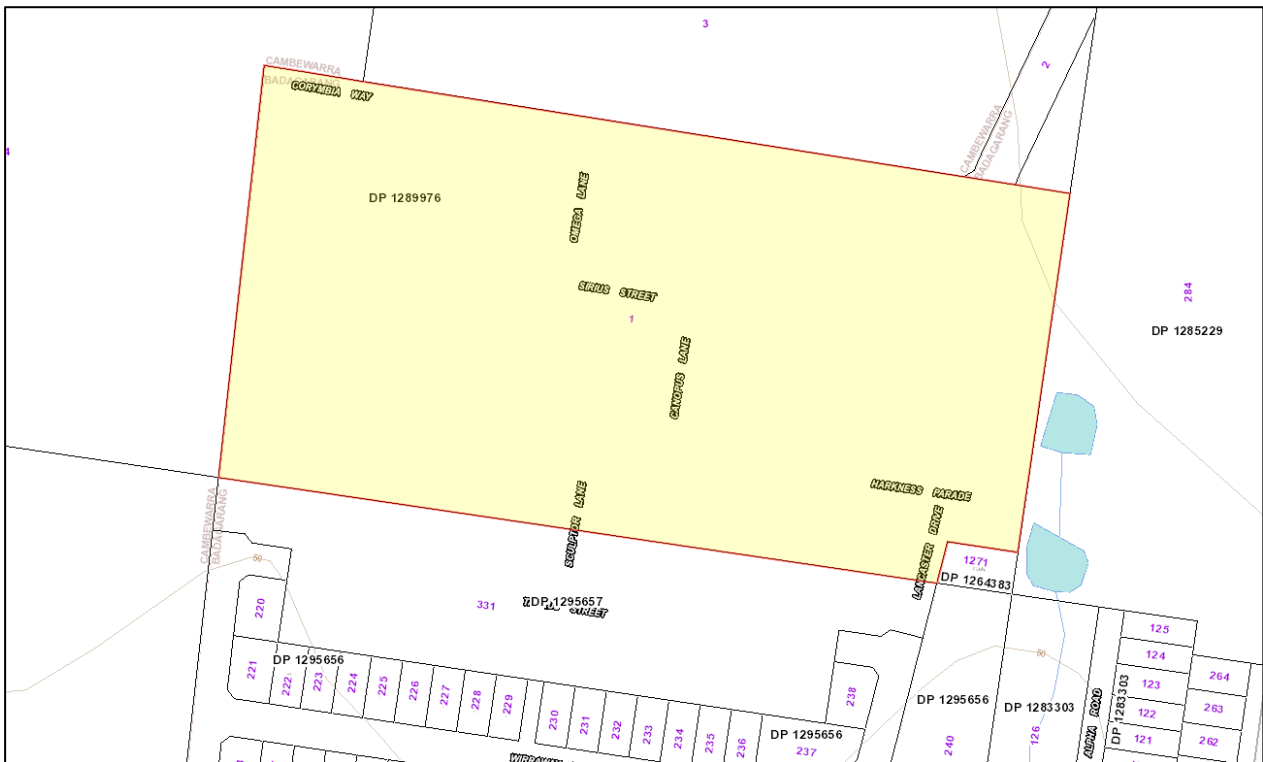


Figure 2. Lot boundaries identifying Lot 1 DP 1289976 – land which this modification application relates (Source: Six Maps)

3.0 APPROVED DEVELOPMENT & PROPOSED MODIFICATION

3.1 APPROVED DEVELOPMENT

The Consent was granted by the Southern Regional Planning Panel on 15 March 2023 for the staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping on the Site known generally as 41 Main Road and 49 Hockeys Lane, Badagarang as shown on the approved landscape plan at Figure 3.



Figure 3. Approved Landscape Plan (Source: Ayling Drury Landscape Architecture, Dwg No. DA-02, dated 19 Sept 2022)

This application is the fourth modification of RA21/1003, with the first three modifications entailing:

- Section 4.55(1A) application, DS23/1280 (approved on 3 October 2023) which modified the Consent to:
 - Delete Condition 46(d) and provide additional Conditions 46A and 46B to address WSUD matters.
 - Delete Condition 50 and provide two new conditions to allow the staging of the works approved as part of a Vegetation Management Plan;

- Section 4.55(2) application, MA24/1082 (approved by the SRPP on 4 September 2024) modified the development staging; and
- Section 4.55(2) application, MA24/1310 (currently under assessment) to amend the lot configuration and layout of a number of lots approved within approved stages 6 and 7 of the subdivision (as modified under MA24/1082), resulting in an additional 6 lots.

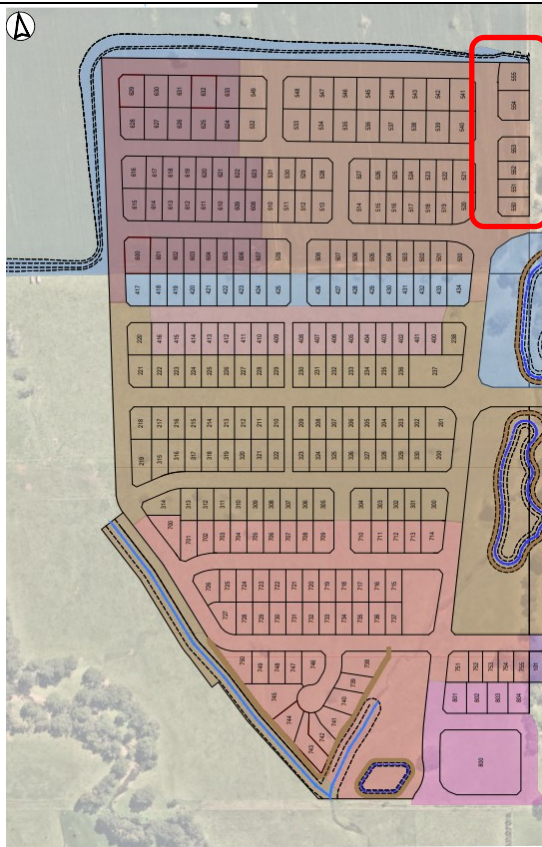


Figure 4. Original Approved Staging Plan – indicating general location of affected lots within Stage 3 (as approved)

(Source: Maker Eng, Dwg No. MKR00145-00-SK057, dated 19-03-2023)

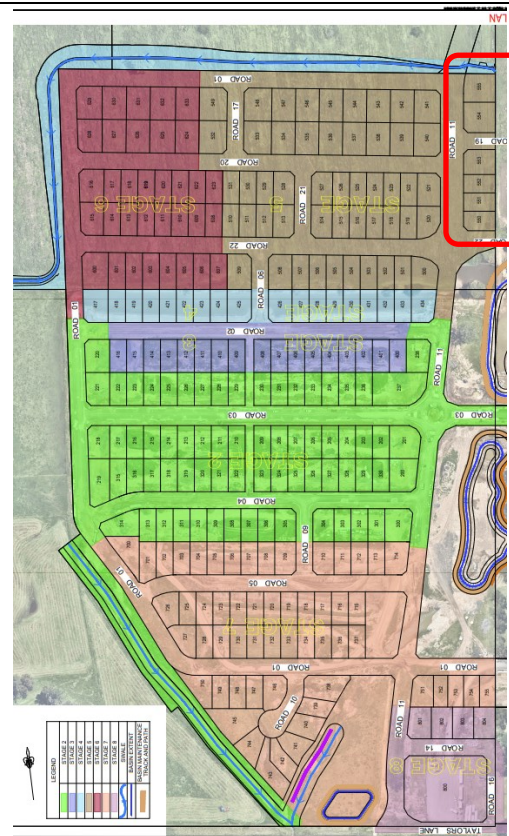


Figure 5. Modified Approved Staging Plan MA24/1082 – indicating general location of affected lots within Stage 4 (as modified)

(Source: Colliers International Engineering & Design NSW, Dwg No. 479-23PLO2 [00], dated 16-04-2024)

3.2 SF10895

A separate development consent was issued by Council under Determination No. SF10895 22 December 2022 for the staged residential subdivision to create 30 Torrens Title allotments and provision of associated civil infrastructure and landscaping on an adjoining site consisting of the following allotments:

- Taylors Lane, CAMBEWARRA - Lot 1 DP 1256748
- Taylors Lane, CAMBEWARRA - Lot 2 DP 1256748
- 49 Hockeys Lane, CAMBEWARRA - Lot 7 DP 1256748
- 15A Main Rd, CAMBEWARRA - Lot 1271 DP 1264383
- 15 Main Rd, CAMBEWARRA - Lot 1272 DP 1264383

- 126 Taylors Lane, CAMBEWARRA - Lot 61 DP 1281131
- Taylors Lane, CAMBEWARRA - Lot 62 DP 1281131
- 104 Taylors Lane, CAMBEWARRA - Lot 32 DP 1267448

This site is owned and developed by the same entity as the subject Consent seeking to be modified by this Section 4.55 application. A Subdivision Certificate has been issued for some of the works approved under SF10895. The development approved the Consent and SF10895 is collectively known as Haven Estate, which is to be developed by Newpro 23 Pty Ltd (trading as Newquest Property). This subdivision is located to the south of the area of RA21/1003 affected by this modification application and is unaffected by this proposed modification.

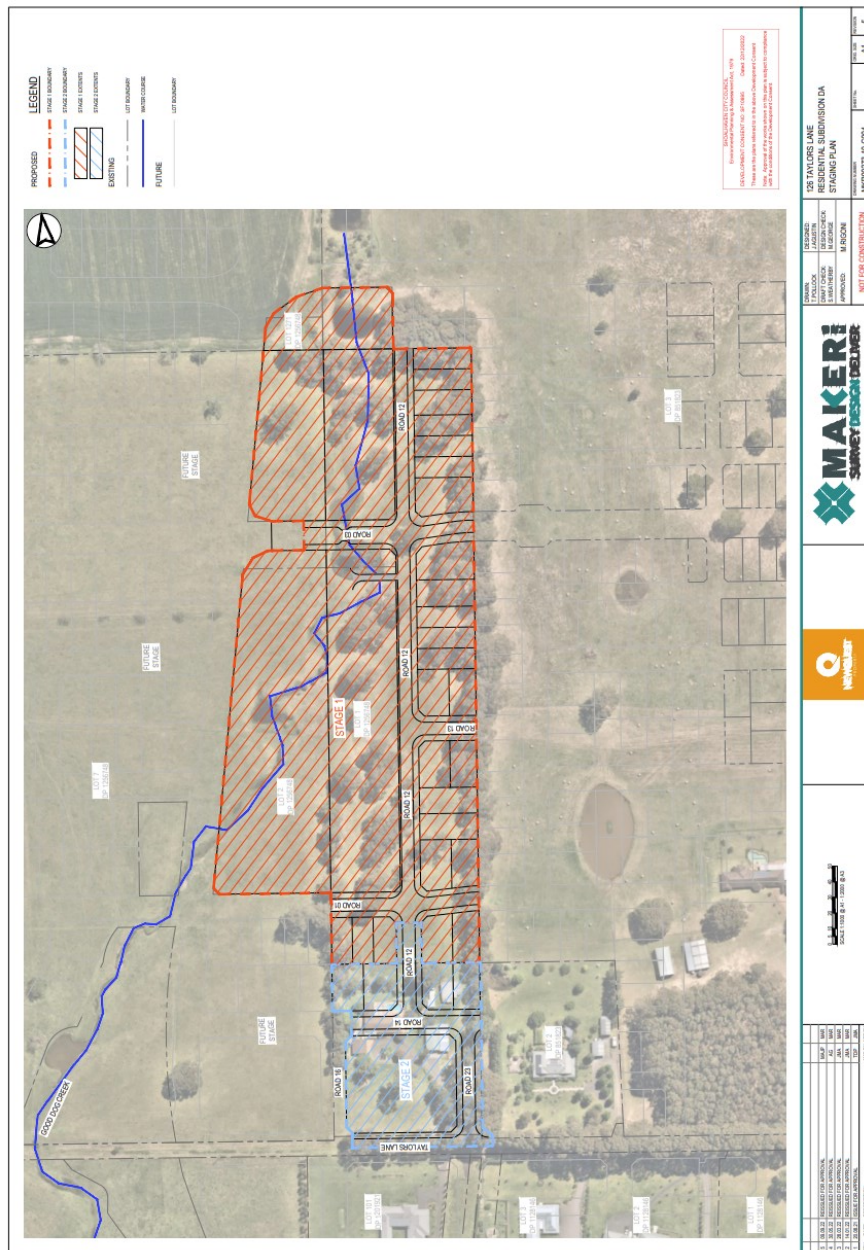


Figure 6. Approved Plan SF10895 – situated to the east of the subject site (Source: Maker Eng, Dwg No. MKR00273-10-C004, Rev 5, dated 09-09-2022)



3.3 SF10804 & DS23/1169

Determination No. SF10804 was approved by Shoalhaven City Council on 11 June 2021 for a staged residential subdivision to create 205 Torrens Title allotments, including 201 residential allotments, three (3) open space allotments, one (1) residue lot, and demolition of existing structures, earthworks, and provision of roads, drainage and utility infrastructure along with associated landscaping works. The consent applies to 104 Taylors Lane – previously Lot 3 DP851823 and now Lot 32 DP1267448, Badagarang, which is located to the west of the site subject to this modification application.

The consent has been subject to two subsequent amendments, DS21/1301 & DS22/1044.

Modification Application DS23/1169 is currently under assessment by Council. The modification seeks to re-locate the development's northern perimeter road within part of the adjacent C3 zoned land and re-configure the adjacent R1 zoned land lot.

The modification was submitted concurrently with a separate set of plans submitted with Council to address Condition 2 of the SF10804 consent requiring the re-design of Lots 443 – 454 within Stage 4, resulting in the development approval increasing the total residential lots from 201 to 223 and 816m² of additional open space. The amendments make changes to Stages 3 & 4B of the approved plans.

The proposed plan as sought under DS23/1169 is shown below at Figure 7.

Figure 7. Proposed Plan under DS23/1169 (modification to SF10804) noting the position of Road 19 – situated to the west of the subject site (Source: GHD, Dwg No. 23-16416-C195, Rev R, dated 06.02.2022)

3.4 PROPOSED MODIFICATION DESCRIPTION

This subject modification seeks to reconfigure six lots (Lots 550 – 555) within approved Stage 4 (as modified under MA24/1082) as the result of a minor realignment of Road 19 in the north of the site to align with the proposed modification to SF10804 under DS23/1169 currently under assessment by Council.

3.4.1 ROAD ALIGNMENT

The proposal seeks to relocate the eastern end of Road 19 approximately 20m to the south in order to align with the proposed Road 19 layout under DS23/1169 (refer Figure 10 and Figure 11).

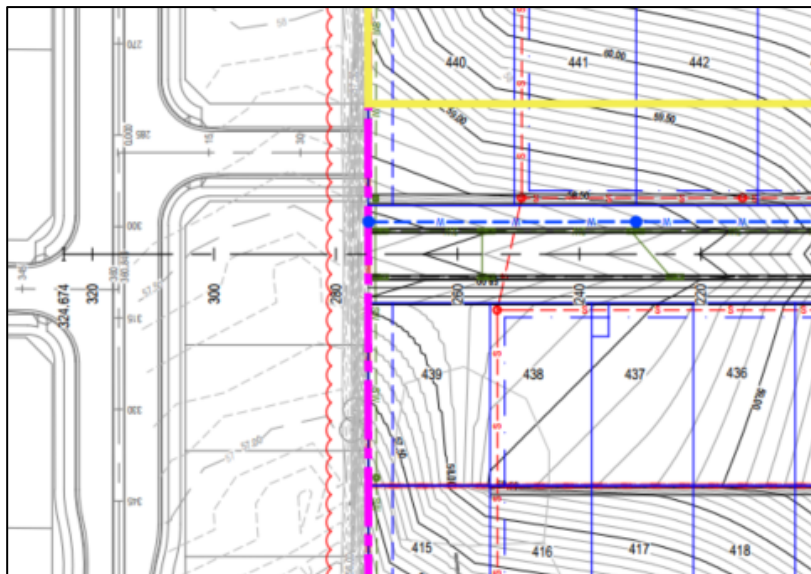


Figure 8. Proposed Plan under DS23/1169 (modification to SF10804) showing existing approved subdivision layout to the west of the site (Source: GHD, Dwg No. 23-16416-C111, Rev M, dated 28.10.2022)

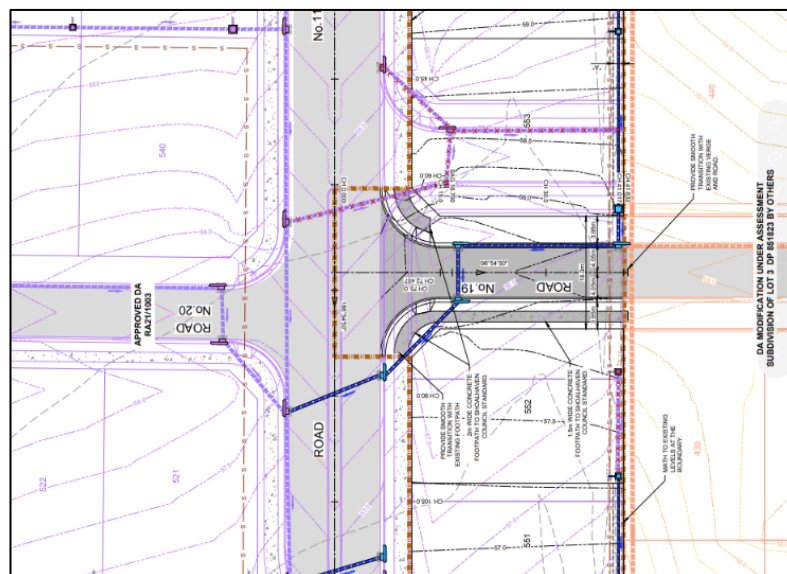


Figure 9. Proposed Plan to modify RA21/1003
(Source: Key plan prepared by Colliers International Engineering & Design NSW, Dwg. 479-23C-DA-MOD-0004, dated 25.11.2024, Rev B)

3.4.2 AMENDMENT TO LOTS 550 – 555

As a result of the realignment of Road 19, Lots 550 – 555 are to be reconfigured, with the proposal amended from 4 lots situated along Road 11 to the south of Road 19, and 2 to the north; to 3 to the north and 3 to the south. A plan depicting the change and amended lot layouts is shown below at Figure 10.

The proposed subdivision plans prepared by Colliers International Engineering & Design NSW Pty Ltd included at Appendix 2 of this application outlines the proposed amendments to these lots, with the lot comparison plan included at Figure 10 which is reproduced at below. Table 2 compares the proposed lot size and configuration of the modified proposal with the Consent.

The proposal results in no change to the total number of lots. All lots remain with a depth of 30m.

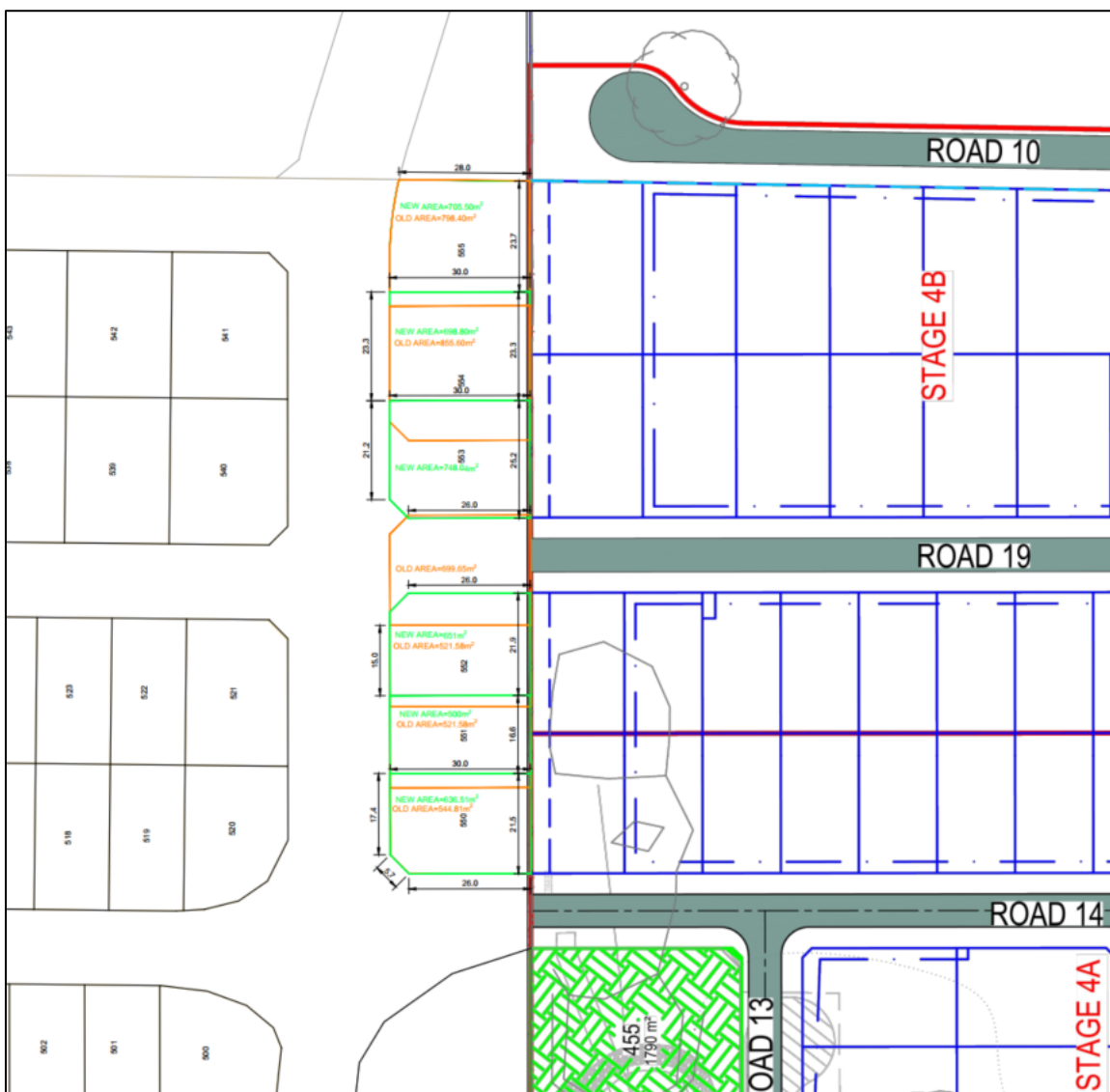


Figure 10. Lot Amendment Plan

Table 1. Comparison Table of Lots showing approved and proposed areas

Lot Number	Approved Area	Proposed area under this subject application
550	544.81m ²	636.51m ²
551	521.58m ²	500m ²
552	521.58m ²	651m ²
553	699.65m ²	748.04m ²
554	855.60m ²	698.8m ²
555	798.40m ²	705.5m ²

3.4.3 LANDSCAPING PLAN

The proposed amendments will necessitate amendments to the approved streetscape landscaping with regard to location and positioning of street trees in Stages 4 in line with the revised lot layout and configuration. Details are shown at Appendix 4.

3.5 PROPOSED MODIFICATION TO CONDITIONS

These changes necessitate the following Development Consent Conditions to be amended:

- **Condition 1 – General:**
 - To amend the proposed Lot Layout Plans and Landscape Plans.
 - It is noted that this condition is sought to be modified under MA24/1310.
- **Condition 9 – NSW Rural Fire Service:**
 - To be modified to reflect reissued General Terms of Approval (GTAs) from RFS (refer Appendix 5).
 - It is noted that this condition is sought to be modified under MA24/1310.
- **Condition 31 – Site Filling Design Standards – Subdivision**
 - To be modified to amend the design to comply with the amended bulk earthworks plan as it relates to Lots 550 – 555, and the affected parts of Road 11 and 19.
- **Condition 34 – Road Design Standards (Urban) – Greenfield Subdivision**
 - To be modified to amend the design to comply with the amended road plans as it relates to Lots 550 – 555, and the affected parts of Road 11 and 19.
- **Condition 35 – Cycleway and Footpath Design Standards**
 - To be modified to amend the design to comply with updated civil plans as it relates to Lots 550 – 555, and the affected parts of Road 11 and 19.
- **Condition 38 – Stormwater Drainage Design Standards (Urban)**
 - To be modified to amend the design to comply with the amended drainage plans as it relates to Lots 550 – 555, and the affected parts of Road 11 and 19.

The requested modification to consent conditions and GTAs are summarised in Appendix 1.

3.6 REASON FOR PROPOSED MODIFICATION

The proposed modification is a direct response to a Request for Information issued by SCC to the applicant of DS23/1169 dated 14 July 2023, which stated:



Council's Development Engineers are in ongoing discussions with the developer of the adjoining Stage 4 development in relation to potentially realigning the perimeter road to provide a through connection to the collector road as envisioned by Shoalhaven Development Control Plan 2014. Council believes that it would be beneficial to both your development and the adjoining Stage 4 development.

It is requested that you consider this and advise of any correspondence with the adjoining developer (if this has occurred).

The proposed modification will result in the orderly and consistent layout of the URA and enable the delivery of residential lots as originally approved under the respective development consents. Without the subject modification, the approval of DS23/1169 would be hindered, and compliance with Condition 2 of SF10804 would require further consideration. This proposal is the most appropriate and practical option to resolve the outstanding issues

4.0 STATUTORY PLANNING FRAMEWORK

4.1 SECTION 1.7: APPLICATION OF THE BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. The proposed modifications do not affect the assessment of this under the original consent. Existing conditions remain unchanged, and the footprint of the development is not affected.

4.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT:

4.2.1 SECTION 4.55(2)

Section 4.55(2) provides:

- (2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
 - (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

Consideration

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)”.

Table 2 below provides a response to each item identified (a) to (d) under Section 4.55(2).

Table 2: Consideration under Section 4.55(2) of EP&A Act

Item	Comments
(a) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>Development is defined under the Environmental Planning & Assessment Act 1979 as any of the following:</p> <ul style="list-style-type: none"> • The use of land, • The subdivision of land, • The erection of a building, • The carrying out of a work, • The demolition of a building or work, • Any other act, matter or thing that may be controlled by an environmental planning instrument. <p>The approved 'development' in this regard is the approved subdivision of land. In this regard, the proposed modifications do not alter the key components of the approved development description or number of lots. The essence of the approved development remains unaffected, the development (as modified) remains a greenfield residential subdivision with associated services, infrastructure and open space.</p> <p>The proposed modification will result in the same ultimate development outcome to that previously approved but with a reconfigured lot layout and improved housing diversity that is consistent with neighbouring subdivisions of the URA.</p> <p>The assessment within this report identifies proposed development to which the consent being modified relates is substantially the same for which consent was originally granted (as modified), therefore the consent authority can be satisfied the proposal meets the requirements of Section 4.55 (2).</p>
(b) <i>it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval</i>	<p>It is expected that the proposed modification will be referred to the NSW Rural Fire Service for amended GTAs. This has necessitated this application being submitted as a Section 4.55(2) application.</p> <p>A revised Bushfire Report has been obtained from Bushfire Hazard Solutions. This has</p>

Item	Comments
<i>proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i>	been provided at Appendix 5.
(c) <i>it has notified the application in accordance with—</i> (i) <i>the regulations, if the regulations so require, or</i> (ii) <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i>	It is understood that the application, if required, can be notified in accordance with Council requirements
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	It is acknowledged that Council must consider any submissions received, concerning the proposed modifications.
(3) <i>In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</i>	The proposed modifications are consistent with the matters referred to in Section 4.15(1) of the EP&A Act. Refer to Section 4.1.2 of this statement.

Substantially the Same Development Test

Whilst there is no hard and fast rule when it comes to determining what constitutes 'substantially the same development' the 'substantially the same test' has been considered and approved through various cases within the Land and Environment Court.



Canterbury-Bankstown Council v Realize Architecture Pty Ltd [2024] NSWLEC 31 identifies a 'balanced' approach to answer the 'substantially the same' test following simple 3 step formula (at [7]):

- a) **Finding the primary facts:** *This involves drawing inferences of fact from the evidence of the respects in which the originally approved development would be modified. These respects include the components or features of the development that would be modified, such as height, bulk, scale, floor space, open space and use, and the impacts of the modification of those components or features of the development.*
- b) **Interpreting the law:** *This involves interpreting the words and phrases of the precondition in s 4.55(2) as to their meaning.*
- c) **Categorising the facts found:** *This involves determining whether the facts found regarding the respects in which the development would be modified fall within or without the words and phrases of the precondition in s 4.55(2).*

...

The decision-maker's task is to determine whether the facts found fall within or without the statutory description, "according to the relative significance attached to them" by the decision-maker: The Australian Gas Light Company v The Valuer-General at 138.

In this regard the following is noted:

- a) **Finding the primary facts:** The respect in which the originally approved development is proposed to be modified is limited to relocation of a small length of Road 19 and reconfiguration of the affected lots. The impacts of the modification of these components could be considered to be limited to potential road safety considerations of the intersection of Road 19 and Road 11, with the other associated changes commensurate to the development as approved.

These have been addressed below in Section 5.1 of this report, noting that the proposed modifications can occur on the site with minimal impacts caused to the subdivision as a whole.

- b) **Interpreting the law:** This looks at how the 'substantially the same development' test has been applied. The applied phrasing as described in Moto Projects (No2) Pty Ltd v North Sydney Council [1999] NSWLEC 280, requires the consent authority to undertake both quantitative and qualitative analysis:

"The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved...Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including circumstances in which the development consent was granted)".

Further Moto Projects Pty Ltd v North Sydney [1999] NSWLEC 280 established the following key principles when considering what constitutes a modification:

- The verb “modify” means to alter without radical transformation.
- “Substantially” in this context means essentially or materially or having the same essence.
- A development as modified would not necessarily be “*substantially the same development*” simply because it is precisely the same use as that for which consent was originally granted.
- A modification application involves undertaking both quantitative and qualitative comparison of the development as originally approved and modified.
- Although the comparative task required under Section 4.55 involves a comparison of the whole development being compared, the fact does not eclipse if a particular feature of the development, particularly if that feature is found to be important material or essential to the development.
- Environmental impacts of the proposed modifications are relevant in determining whether or not a development is ‘substantially the same’. Including comparing the “consequences, such as the environmental impacts” of carrying out the proposed modified development against the original approved development.

The development, as proposed to be modified, is in our opinion considered to meet the substantially the same development test under Section 4.55(2) of the EP&A Act as:

- The consistent position within case law on this matter is that changes to scope, size and scale of a part of a development will not cause the development to no longer be “substantially the same development” for the purposes of section 4.55(2) of the EPA Act (*Marana Developments Pty Limited v Botany City Council* [2011] NSWLEC 1110; *Boyd v Bega Valley Council* [2007] NSWLEC 23; and *Meck v Waverley Council* (2) [2005] NSWLEC 363)
- The proposed modifications do not alter the key components of the approved development description;
- The essence of the approved development remains unaffected, the development with respect to material and essential features (as modified) remains substantially the same as the approved development;
- The modified development continues to be consistent with the existing consent.

For these reasons, the consent authority can be satisfied that the modified proposal is substantially the same development for which consent was originally granted.

- c) **Categorising the facts found:** This final step evaluates the “*relative significance or weight to the different facts and a balancing of the facts, as weighted. This categorisation can be an instinctive synthesis and not be articulated expressly*”.

The proposed modification on a holistic balanced assessment is substantially the same as the original development, being a greenfield residential subdivision that has adequately and appropriately managed potential impacts of the development and of which the proposed modifications do not substantially change. A comparison of the resulting development is generally imperceptible when comparing the two and notionally picturing the development once completed.

To this end, it is considered that the development is substantially the same as the original development as approved and the consent authority may modify the consent as outlined in this report.

Power to approve the proposed modification

In *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177 (Buyozo) the Court's judgement held that the modification of a development consent under section 4.55 needs to effect some change to the development the subject of the development consent.

"The modification of a development consent shares with the grant of a development consent the essential characteristic of only operating prospectively so as to authorise the doing of something in the future [37]".

The approved works under Stage 4 have not yet been completed, with a Subdivision Works Certificate not yet issued for the delivery of these lots. The modification of the consent to amend Road 19 and the lot configuration within Stages 4 operates prospectively, with the proposed amendments to the aforementioned conditions affecting the future development of these stages.

4.2.2 SECTION 4.55(3)

Reasons given by the consent authority for the grant of the consent

The consent authority must take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons provided by the SRPP in their Determination and Statement of Reasons for the approval of the application are outlined at Figure 11.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council's Assessment and Addendum Reports. The Panel was satisfied that:

- The development proposal was generally consistent with the Moss Vale Road South Urban Release Area, and applicable Masterplan and DCP;
- A comprehensive assessment had been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including consideration of the prerequisites for the grant of consent;
- The matters raised by the Panel at its meeting of 7 March 2023 have been satisfactorily addressed in Council's addendum report dated 10 March 2023;
- The Panel was satisfied that the environmental, amenity and land use impacts associated with the development were acceptable subject to the imposition of conditions of consent; and
- Subsequently, the development was deemed to be in the public interest.

Figure 11. Excerpt of PPSSTH-138 – Determination and Statement of Reasons. (Source: NSW Government Planning Panels, dated 15 March 2023)

The proposed modification to the consent will not undermine any of the original reasons for the granting of the original consent. The proposal remains generally consistent with the original environmental planning considerations applying for the proposed development.

Evaluation

Under Section 4.55(3), in determining an application for modification of a consent under Section 4.55, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 2** below.

Table 3. Consideration under Section 4.15(1)(A) of EP&A Act

Section 4.15(1)(a)(i) any environmental planning instrument, and	Refer to Sections 4.5 and 4.6.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no applicable draft instruments for consideration.
Section 4.15(1)(a)(iii) any development control plan, and	Refer to Section 4.7 of this statement.
Section 4.15(1)(a)(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, and	Not applicable.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	None applicable.
Section 4.15(1)(b)-(c)	Refer to Section 5 of this statement.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact. The Statement of Environmental Effects (SEE) submitted with the original DA addressed the environmental impacts of the (ultimately) approved development. The planning assessment of the proposed modified development generally remains unchanged from the original SEE, except for the following matters discussed below.

4.3 INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act defines 'integrated development' as matters which require consent from Council and one or more authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their GTAs in relation to the development.

The Consent (RA21/1003) included GTA conditions from the following relevant approval bodies:

- Department of Planning and Environment - Water
- Heritage NSW
- NSW Rural Fire Service.

The subject modification application under Section 4.55(2) of the EP&A Act requires that the Council consult with any Minister, public authority or approval body that has already provided concurrence or GTA conditions in respect of the approved development.

The subject land is mapped as being within a bushfire vegetation buffer area (refer Figure 12). The subject application will involve the amendment to the GTAs provided by the NSW Rural Fire Service, as identified in Section 3.4 of this Statement.

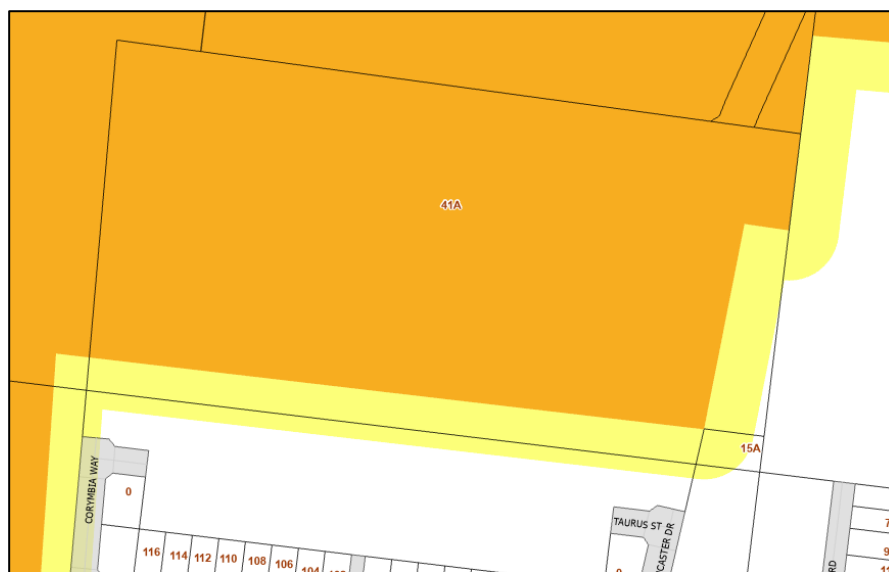


Figure 12. Bushfire Mapping of Lot 1 DP 1289976 (Source: SCC)

4.4 STATE ENVIRONMENTAL PLANNING POLICY SUMMARY

All matters for consideration under State Environmental Planning Policies have been previously assessed as part RA21/1003 and remain unaffected by the proposed modifications.

4.5 SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014

The subject land is primarily zoned R1 General Residential, with a portion of C3 Environmental Management and RU1 Primary Production the provisions of the Shoalhaven Local Environmental Plan 2014, as can be seen in Figure 13 below.

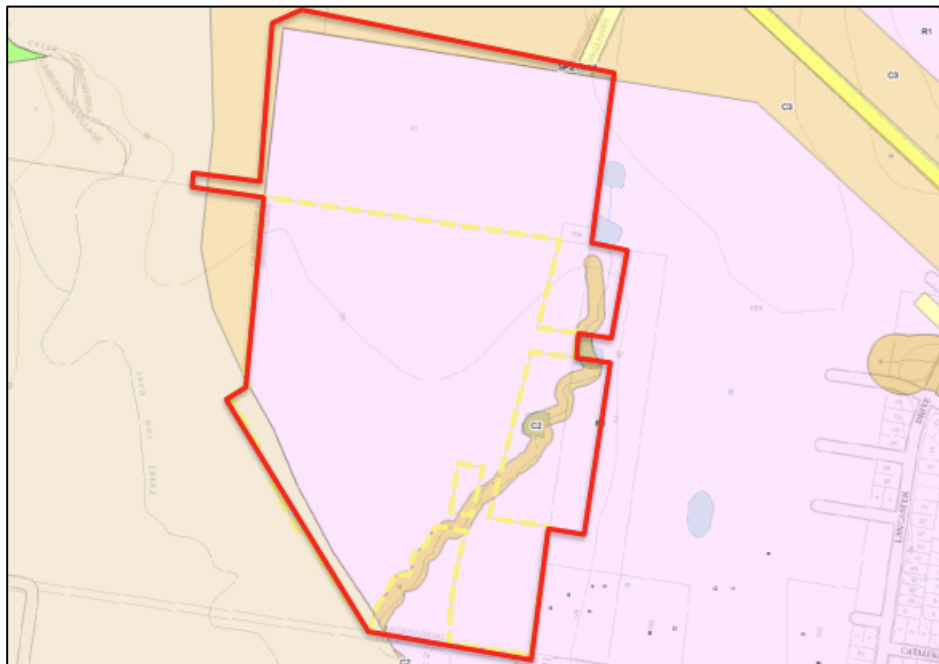


Figure 13. Land Zone Mapping (Source: NSW Spatial Viewer)

The proposed use and development within the approved site boundaries remain the same, with the changes relating to existing approved areas of residential subdivision. The proposal as modified remains consistent with the objectives of the R1 zone to:

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

The proposed development as modified remains consistent with the objectives of the zone, having no impact on the number of lots provided while allowing for the orderly development of the URA. Further the development remains permissible within the zone and provides suitable land for residential development that can meet the needs of future residents.

Table 4. SLEP Review

Clause	Clause requirement	Comments on this proposal
Part 4 Principal development standards		
4.1 – Minimum Lot Size	500m ²	All lots are greater than 500m ² .
Part 5 Miscellaneous provisions		
5.10 – Heritage	The Site contains a local heritage item I153 – ‘Evison’s dairy farm complex’.	The changes are limited to the proposed lot layout within the confines of existing approved lots. Therefore, the proposed modification will not have any impact on

Clause	Clause requirement	Comments on this proposal
		the heritage item as assessed under the original consent.
5.21 – Flood Planning Assessment	Clause 5.21 applies.	<p>In the assessment of the original proposal, it is noted that Council confirmed to the Planning SRPP, as outlined in their Determination and Statement of Reasons, that <i>“the proposal would not introduce unacceptable levels of flood risk for future residents noting that all lots are above the Probable Maximum Flood (PMF) level and all roads are flood free during a 1% AEP event”</i>.</p> <p>Further the cumulative impacts on flood plain from filling is considered unlikely with the site located on the Low Hazard Flood Fringe which is unlikely to significantly affect the pattern of flood flows or levels in the floodplain.</p> <p>The proposed modifications will not affect this assessment or impacts of flooding and the proposed amendments are considered satisfactory in this regard.</p>
Part 6 – Urban release areas		
6.2 Public utility infrastructure	Requires public utility infrastructure that is essential for the proposed development to be in place.	The modification does not affect compliance with this clause.
6.3 Development control plan	Requires a relevant Development Control Plan to be in place.	Shoalhaven DCP 2014 Chapter NB3 is in place and applies to the Site within the MVRs URA.
6.5 Exceptions to minimum lot size—subdivision of land in approved land use zones	<p>This clause applies to a lot (the original lot), or part of the original lot is—</p> <ul style="list-style-type: none"> (a) in an urban release area, and (b) in an approved land use zone. 	The modification does not affect compliance with this clause.
Part 7 – Additional Local Provisions		The modification does not affect compliance of the Original Consent with this Part of the LEP

4.6 SHOALHAVEN DEVELOPMENT CONTROL PLAN 2014.

The (SDCP 2014) provides the provisions to guide development. The Site is subject to precinct-specific controls as prescribed by Chapter NB3 – Moss Vale Road South Urban Release Area. The proposed modification is minor and does not raise any noncompliance or matters of concern with regard to the DCP. In particular the following is noted with regard to the Mandatory Subdivision Design controls under Section 7.3:

1. The Design Verification Statement as approved and proposed to be modified under MA24/1310 remains unaffected by the proposed modification.
2. With regard to the Minimum residential lot shape and dimensions required under NB3 7.3.2 Mandatory Controls, for Lots greater than 500m² the provisions of Chapter G11: Subdivision, Acceptable Solution A43.1 apply, as shown at Figure 14.

All lots proposed have a depth of 30m and a minimum width of greater than 15m for non-corner lots and greater than 18m for corner lots.

	Width	Depth	Splay
General Lot Subdivision (lots between 500m² – 1,999m²)			
Rectangular non-corner lots	Minimum of 15m	Minimum of 30m	n/a
Rectangular corner lots	Minimum of 18m	Minimum of 30m	4m
Irregular shaped lots Battle-axe lots	Minimum width at building line of 17m Minimum mean width of 18m	Minimum of 30m	4m if a corner lot

Figure 14. Excerpt - Minimum residential lot shape and dimensions controls of Chapter G11: Subdivision.
(Source: SCC)

3. No small lots are proposed.
4. Street block design remains rectangular in shape, with permeability improved with the adjacent SF10804 subdivision.
5. The number of north facing dwellings is not changed as a result of the proposed modification.
6. The subdivision of lots remains consistent with SLEP 2014, with no small lots proposed as a result of the modification.
7. No lots less than 400m² are proposed.
8. No battle-axe lots are proposed.

No other controls under the DCP are affected by this proposed minor modification to the subdivision layout.



5.0 OTHER MATTERS FOR CONSIDERATION

5.1 AMENITY

The existing approved streetscape will not be significantly altered by this proposed modified development. The lot sizes are compliant with the relevant subdivision controls applying to the site and that there will be minimal environmental impacts as a result of the realignment of Road 19.

5.2 SERVICES

The site is fully serviced, and the proposed modification does not affect the ability for these lots to be delivered in line with the servicing arrangements approved under the original consent.

5.3 TRAFFIC - IMPACT ON LOCAL ROAD NETWORK

There is no change to the overall number of lots approved as a result of this modification. Accordingly there is no anticipated change in traffic generation.

5.4 NATURAL HAZARDS

Bushfire – The land was mapped by Shoalhaven Council as being bushfire prone land at the time of the lodgement of the original DA. In this time however the URA is now not mapped as being bushfire prone and this area is now mapped as being a buffer area (refer Figure 12). A revised Bushfire Report has been prepared to support this DA (see Appendix 5). There is no impact on the performance solutions of the original approval, with the proposal not affecting the details of the original Bushfire Report as it relates to the subdivision or future development.

Flood – The land is mapped by Shoalhaven Council as being flood affected. The proposed modification does not affect the assessment and compliance of the original proposal with regard to flooding.

5.5 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

It is anticipated that the proposal will be advertised in accordance with Council's notification policy. We do not anticipate any submission being received when advertised however should a submission be received, this will be assessed by the council in consultation to the applicant.

5.6 THE PUBLIC INTEREST

The proposal has both strategic and planning merit. The proposed development does not pose an unacceptable adverse impact on the natural or built environment. It is consistent with the objectives of the EP&A Act, in particular with achieving the orderly and economic use of the land through aligning with the proposed road layout of SF10804 which has been proposed to achieve an improved lot layout in response to the conditions of consent under SF10804.

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality, with the overall dwelling not affected by the proposed modification. The



proposal remains acceptable with consideration of the zoning and the character of the area and is therefore considered to be in the public interest.

Approving the proposed development is in the public interest. Refusal of such an application it would contradict the goals and objectives of the EP&A Act, which aims to encourage such development.

6.0 CONCLUSION

It is our conclusion that the proposed modification is consistent with the intent of Council's planning objectives for the zone, which is predominately aimed at R1: General Residential zoning objectives providing for the housing needs of the community with a variety of densities.

The proposed modification is considered acceptable, and worthy of support for the following reasons:

- The proposed modifications reflect updates to site conditions as proposed under SF10804, ongoing design refinements on behalf of the development of the URA and to ensure that the end development outcome provides for the orderly development of land.
- The proposal results no change in the number of lots.
- The proposed modifications maintain compliance with the key development standards contained within Shoalhaven DCP 2014 and Shoalhaven LEP 2014.
- The proposed lot arrangement is a minor change to the approved subdivision lot pattern of the original approval, with the amendments only within a small portion of the subdivision.
- The development, as modified, will remain substantially the same, and will not result in additional environmental impacts.
- The proposed reconfiguration of lots achieves a good planning outcome, meeting the housing needs of the Shoalhaven with minimal environmental impacts.

In light of the above, it is without hesitation that we respectfully recommend the proposed modification to development consent RA21/1003 as worthy of approval.

APPENDIX 1 – PROPOSED MODIFICATIONS TO CONSENT CONDITIONS

Proposed amendments to Condition 1, 9, ~~31, 34, 35 and 38~~ ~~2, 9, 46A and 77~~ of RA21/1003 as shown below with a supporting justification statement. It is suggested that the consent condition modifications be as those shown below with text changes shown in **red bold italic text**, with words to be deleted shown in ~~red bold strikethrough~~.

It is noted that these same conditions are sought to be amended under MA24/1310 (currently under assessment) the proposed modification under this consent is sought independently from that Section 4.55(2) application. For information purposes, the proposed changes under MA24/1310 are shown in **grey bold italic text**, with words proposed to be deleted shown in ~~grey bold strikethrough~~.

1. General (**modified by MA24/1082**)

The consent relates to **Staged residential subdivision to create 256– 262 Torrens Title allotments and provision of associated civil infrastructure and landscaping** as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped Plans/Documents	Ref/Sheet No.	Prepared by	Dated
Staging Plan	MKR00145-00-SK057	Maker ENG	19/04/23 (Revision 5)
Lot Layout Plans	Drawing No. MKR00145-10-C005 to C010	Maker ENG	16/09/2022 (Revision 6)
General Arrangement Plans	Drawing No. MKR00145-10-C015 to C020	Maker ENG	16/09/2022 (Revision 6) 13/10/2022 (Revision 7)
Bulk Earthworks Plan	Drawing No. MKR00145-10-C025	Maker ENG	13/10/2022 (Revision 7)
Stormwater Layout Plans	Drawing No. MKR00145-10-C115 to C120	Maker ENG	16/09/2022 (Revision 6) 13/10/2022 (Revision 7)
On-Site Detention Memo	-	Maker ENG	13/10/2022
Integrated Water Cycle Management Strategy	Project No. MKR00145	Maker ENG	09/09/2022 (Version 4)
Landscape Plans	Project No. AD2102 Drawing No. DA-01 to DA-10.	Ayling & Drury	13/09/2022 (Revision F)

Bushfire Assessment Report	Reference No. 220551B	Bushfire Hazard Solutions	23/06/2022 (Version 3)
Biodiversity Development Assessment Report	Project No. LE1264	Lodge Environmental	20/09/2022 (Revision 5)
Arboricultural Development Assessment Report	-	Moore Trees	24/06/2022
Aboriginal Cultural Heritage Assessment Report	Project No. 21105	Austral Archaeology Pty Ltd	15/08/2022 (Version 2)
Waste Management Plan	-	SLR Consulting	07/12/2021
Landscape Plans	Project No. AD2102 Drawing No. DA-01 -10	Ayling & Drury	30/10/2024 (Revision H)

As amended by the Lot Layout plans applying to Stages 6 & 7 outlined below. These plans supersede the approved plans insofar as they relate to Stages 6 & 7:

<i>Stamped Plans/Documents</i>	<i>Ref/Sheet No.</i>	<i>Prepared by</i>	<i>Dated</i>
<i>Lot Layout Plans – Stages 6 and 7</i>	<i>Drawing Nos. 479-23G ST7 L01 [00] – PLAN and 9-23G ST8 L02 [00] – PLAN</i>	<i>Colliers International Engineering & Design NSW Pty Ltd</i>	<i>09/07/2024 (Revision 00)</i>
<i>Landscape Plan – Stages 6 and 7</i>	<i>Project No. AD2102 Drawing Nos. DA02 and DA-11</i>	<i>Ayling & Drury</i>	<i>05/07/2024 (Revision H)</i>

As amended by the following plans applying to Lots 500 – 555 and Road 19 in Stage 4. These plans supersede the approved plans insofar as they relate to Lots 500 – 555 and Road 19 in Stage 4:

Stamped Plans/Documents	Ref/Sheet No.	Prepared by	Dated
Plan of Proposed Subdivision of	479-23G L04 [00] 1 of 1	Colliers International Engineering & Design NSW Pty Ltd	06/11/24

Key Plan	479-23C-DA-MOD-0004	Colliers International Engineering & Design NSW Pty Ltd	25/1/24, Rev B
Bulk Earthworks Plan	479-23C-DA-MOD-0051		25/1/24, Rev B
Bulk Earthworks Site Sections Sheet 1 Of 2	479-23C-DA-MOD-0061		25/1/24, Rev B
Bulk Earthworks Site Sections Sheet 2 Of 2	479-23C-DA-MOD-0062		25/1/24, Rev B
Road and Drainage Plan	479-23C-DA-MOD-0101		25/1/24, Rev B
Road No.11 And No.19 Longitudinal Sections and Road Typical Cross Section	479-23C-DA-MOD-0201		25/1/24, Rev B
Catchment Plan	479-23C-DA-MOD-0701		25/1/24, Rev B
Sediment and Erosion Control Plan	479-23C-DA-MOD-0901		25/1/24, Rev B
Sediment and Erosion Control Details	479-23C-DA-MOD-0902		25/1/24, Rev B
Bushfire Assessment Report	Reference No. 250039B	Bushfire Hazard Solutions	4/11/2024 (Version 3)

Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.

9. NSW Rural Fire Service (modified by MA24/1082)

The conditions of the General Terms of Approval issued by NSW Rural Fire Service, Reference No. ~~DA20220116000374-s4.55-1~~, dated 24 April 2024, <insert updated reference> are included as conditions of this consent (as attached) and must be complied with.

It is noted that Conditions 1 and 4 of the GTAs provided by RFS are required to be modified in the following manner:

General Conditions

- The development proposal is to comply with the subdivision layout identified on the drawing titled Staging Plan, drawing No. MKR00145-00-SK057, Revision 5 dated 19 April 2023, prepared by Maker Engineering, **and as modified by:**
 - Lot Layout Plans Stages 6 and 7 prepared by Colliers International Engineering &



Design NSW Pty Ltd, Drawing No. Drawing Nos. 479-23G ST7 L01 [00] – PLAN and 9-23G ST8 L02 [00]– PLAN dated 09/07/2024 (Rev 00) **and**

- **Lot Layout Plans (Lots 500 – 555) Stage 4 prepared by Colliers International Engineering & Design NSW Pty Ltd, Drawing No. Drawing Nos. 479-23G ST7 L01 [00] – PLAN and 9-23G ST8 L02 [00]– PLAN dated 09/07/2024**

(Note, the following Conditions were added under SEE Report Rev C)

31. Site Filling Design Standards – Subdivision

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

The site filling design must comply with the following:

- a) The site must be regraded generally in accordance with the concept bulk earthworks plan by Maker ENG (Drawing No. MKR00145-10-C025, Revision 7, dated 13/10/2022) **and where relevant to Lots 550 – 555 and parts of Road 11 and 19, the Bulk Earthworks Plan 479-23C-DA-MOD-0051 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024, Rev B** having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

34. Road Design Standards (Urban) – Greenfield Subdivision

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

- a) Council's Engineering Design Specifications sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
- b) AUSTROADS Design Requirements and Specifications.
- c) The concept general arrangement plans by Maker ENG (Drawing No. MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)), **and where relevant to Lots 550 – 555 and parts of Road 11 and 19, Civil Works Modification plans 479-23C-DA-MOD-0004 and 479-23C-DA-MOD-0101 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024, and amended as follows:**
 - i) The median proposed on Road 11 north of the Road 11 / Road 22 intersection must be terminated at prior to the Road 20 intersection (at approximately the 90m chainage marker as shown on the above referenced plans).

- ii) The westbound lane of the section of Taylors Lane within the development footprint must be re-constructed/upgraded to Council's rural road standard, provide a lane width of 3 metres and have a temporary seal. d) Design Vehicles – 14.5m rigid bus for all temporary and permanent bus routes (as identified under Council's DCP Chapter NB3) and 8.8m service vehicle for all other roads.
- d) Road 01 in the vicinity of the 90-degree bend within the north-west corner of the site is to be widened to accommodate the design vehicle within the travel lanes.
- e) The intersection of Road 11 and Road 01 is to be treated as a priority-controlled intersection. Priority is to be given to Road 11.
- f) A compliant driveway access is to be demonstrated for Lot 238.
- g) Local Area Traffic Management (LATM) devices to be provided on all roads that exceed the maximum street leg lengths outlined within Council's DCP Chapter G11. All LATM devices must be designed with consideration of the road's status as a bus route where relevant, and be in accordance with Chapter G11, Shoalhaven Development Control Plan 2014, Austroads Guidelines and/or AS1742.13. All LATM devices require a specialised pavement design for the approaches.
- h) Integral kerb and gutter / layback kerb and gutter in accordance with Council's Standard Drawings.
- i) Frontages of all open space lots to be constructed with upright kerb and gutter.
- j) Subsoil drainage behind the kerb line on the high side of the road or both side if the cross fall is neutral or the road is in cut.
- k) A temporary vehicle turning area must be provided at the end of each stage. The turning area must be designed to have a 9.5m radius and a minimum pavement thickness of 200mm. The turning area is to be delineated by the use of guide posts at maximum 5m spacing with a D4-4A sight board at the end on the centreline. All terminations at intersections are to be terminated by concrete barriers and D4-4A signage to prevent unauthorised access.
- l) Property boundaries at road intersections must have minimum 2m x 2m corner splays. The dimensions of splays on local access roads and other roads of a higher hierarchy must be based on the size of kerb returns needed to cater for the appropriate design vehicle.

35. Cycleway and Footpath Design Standards

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following:

- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
- b) Locations shown on the concept general arrangement plans by Maker ENG (Drawing No. MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)), and **Civil Works Modification plans 479-23C-DA-MOD-0004, 479-23C-DA-MOD-0101 and 479-23C-DA-MOD-0201 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024** with:
 - i) An additional 2.0m wide pathway to be provided through the open space lots generally in accordance with the locations shown on Council's DCP Chapter NB3.
 - ii) 3% cross fall from the boundary to top of kerb.

- iii) match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
- iv) kerb ramps at intersections in accordance with Council's Engineering Design Specifications.
- v) A safe crossing point for the shared user path on Road 07 to cross to the western side of Road 11 such as a wombat crossing or alternative as agreed by Council.
- v) Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh
- c) Cross section design to be provided from road centreline to the boundary at each driveway access point.

38. Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications – Section D5 – Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6)) and **where relevant to Lots 550 – 555 and parts of Road 11 and 19, Civil Works Modification plans 479-23C-DA-MOD-0101 and 479-23C-DA-MOD-0701 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024**, except where specified by relevant conditions of consent.
- d) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.
- e) Inter-allotment drainage is to be provided for all lots within the subdivision which do not achieve fall to the street.
- f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.