

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSTH-137
<b>DA Number</b>	SF10633
<b>LGA</b>	Shoalhaven City Council
<b>Proposed Development</b>	Staged residential subdivision to create 126 Torrens Title allotments, including: <ul style="list-style-type: none"> <li>▪ 124 residential allotments;</li> <li>▪ One (1) drainage reserve;</li> <li>▪ One (1) residue lot; and</li> <li>▪ Provision of roads, drainage and utility infrastructure along with associated landscaping works.</li> </ul>
<b>Street Address</b>	169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748
<b>Applicant/Owner</b>	Applicant: Makereng P/L Owner: Q & J Brown (Lots 1 & 2) & Shoalhaven City Council (Lot 5)
<b>Date of DA lodgement</b>	23 November 2017
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	Three (3) unique objections
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021</b>	Schedule 6 Section 3(b) – Council related development over \$5 million  The development has a capital investment value (CIV) of more than \$5 million and includes bulk earthworks encroaching Council-owned land.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Shoalhaven Local Environmental Plan 2014</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Shoalhaven Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 - Section 4.15 Assessment Report Attachment 2 - Determination Document – Approval subject to conditions Attachment 3 - Plans
<b>Section 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	<p>The concerns raised in submissions particularly related to the following:</p> <ul style="list-style-type: none"> <li>• Design of proposed allotments with no small allotments to be permitted;</li> <li>• Lack of existing infrastructure;</li> <li>• Tree removal and proposed removal of tree nominated as No. 20 which should be retained as significant due to species and age;</li> <li>• Noise and amenity impacts;</li> <li>• Lack of area for visitor parking;</li> <li>• Housing density is too high;</li> <li>• Timing of the development to be deferred to the last stage of the URA to allow completion of the loop road.</li> </ul>

	<ul style="list-style-type: none"> <li>• Construction traffic and use of Taylors and Hockeys Lanes;</li> <li>• Importation of fill and flooding requirements.</li> </ul>
<b>Report prepared by</b>	<b>Andre Vernez, Senior Development Planner</b>
<b>Report date</b>	6 April 2022

#### **Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### **Legislative sections requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

#### **Section 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not applicable**

#### **Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Yes**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### **Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **Executive Summary**

The subject site is at least approximately 1km southeast of the edge of Cambewarra village and is within Stage 3 of the Moss Vale Road South Urban Release Area (URA). The site contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as “Watercourse Category 1”, traverses the southern section of the site.

The land is legally identified as Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 5 DP 1256748 (known as Taylors Lane, Cambewarra).

The site is identified as being bush fire prone land. However, this follows a recent change to mapping. The current mapping is to only be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.

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

The subject DA, Development Application No. SF10633, seeks approval for staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments; one (1) drainage reserve; one (1) residue lot; and provision of roads, drainage and utility infrastructure along with associated landscaping works.

The land is zoned R1 General Residential and RU1 Primary Production under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which “*subdivision of land*” including associated “*roads*” and “*water supply systems*” are permitted with the consent of Council.

As the development includes bulk earthworks that encroach Council-owned land (being Lot 5 DP 1256748) and the capital investment value (CIV) is more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

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

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

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

- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment

- G7: Waste Minimisation and Management Controls
- G11: Subdivision of Land
- NB3: Moss Vale Road South Urban Release Area

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

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 20 December 2017 to 2 March 2018.

Three (3) submissions were received by Council, objecting to or raising concerns with the proposal. Key objections relate to the design of proposed allotments, lack of existing infrastructure, tree removal and proposed removal of tree nominated as No. 20, noise and amenity impacts, lack of area for visitor parking, housing density, timing of the development to allow completion of the loop road, construction traffic and use of Taylors and Hockeys Lanes; and importation of fill and flooding requirements. These issues have been assessed as being either acceptable matters on their merits or matters that are capable of being resolved via conditions.

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

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

## 1. Detailed Proposal

Staged residential subdivision to create 126 Torrens Title allotments, including:

- 124 residential allotments;
- One (1) drainage reserve;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works.

The subdivision is proposed to be staged as follows:

- Stage 1 – Creation of 72 residential allotments (Lots 1-62 and Lots 103-112) and residue allotment, and provision of roads, drainage and utility infrastructure along with associated landscaping works; and
- Stage 2 – Creation of 52 residential allotments (Lots 63-102 and Lots 113-124) from residue allotment, provision of roads, drainage and utility infrastructure along with associated landscaping works, and creation of residue allotment.

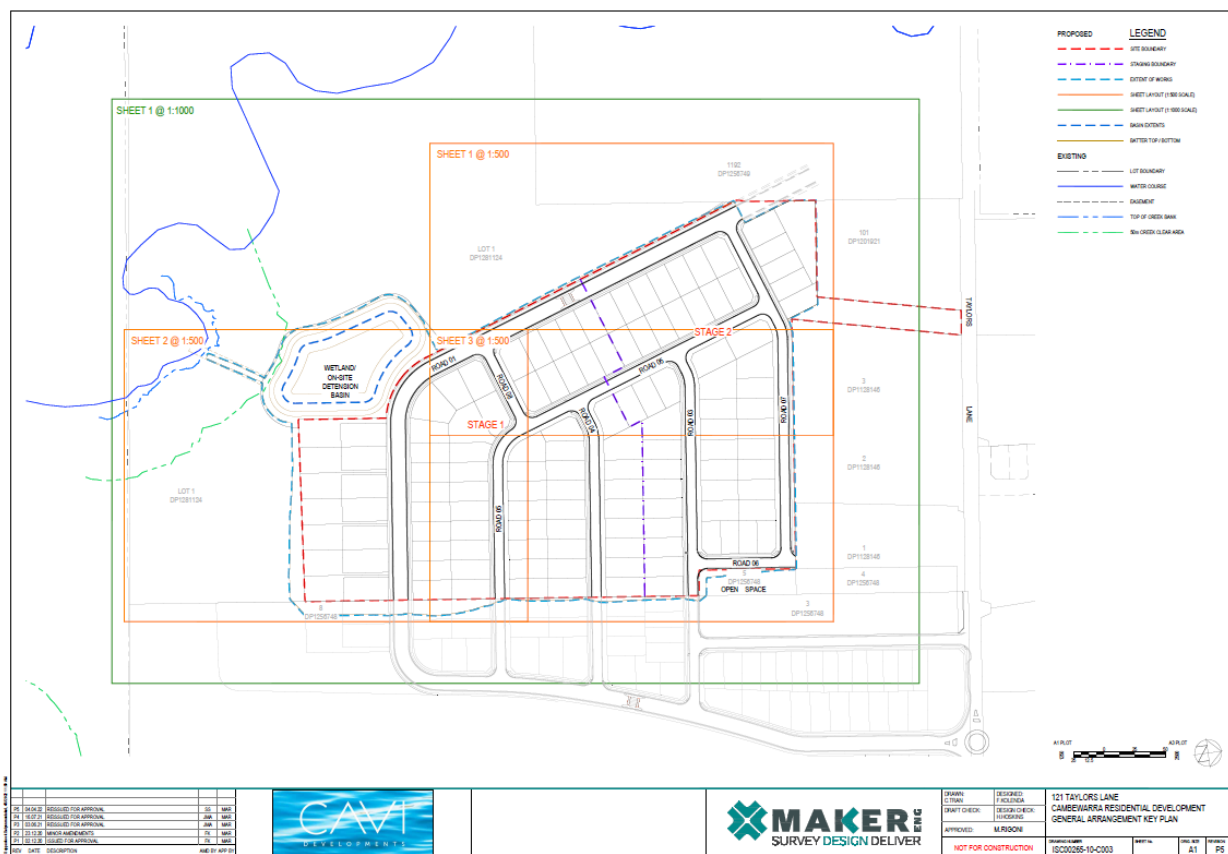


Figure 1 – General Arrangement Key Plan by Maker ENG (dated 04/04/2022)

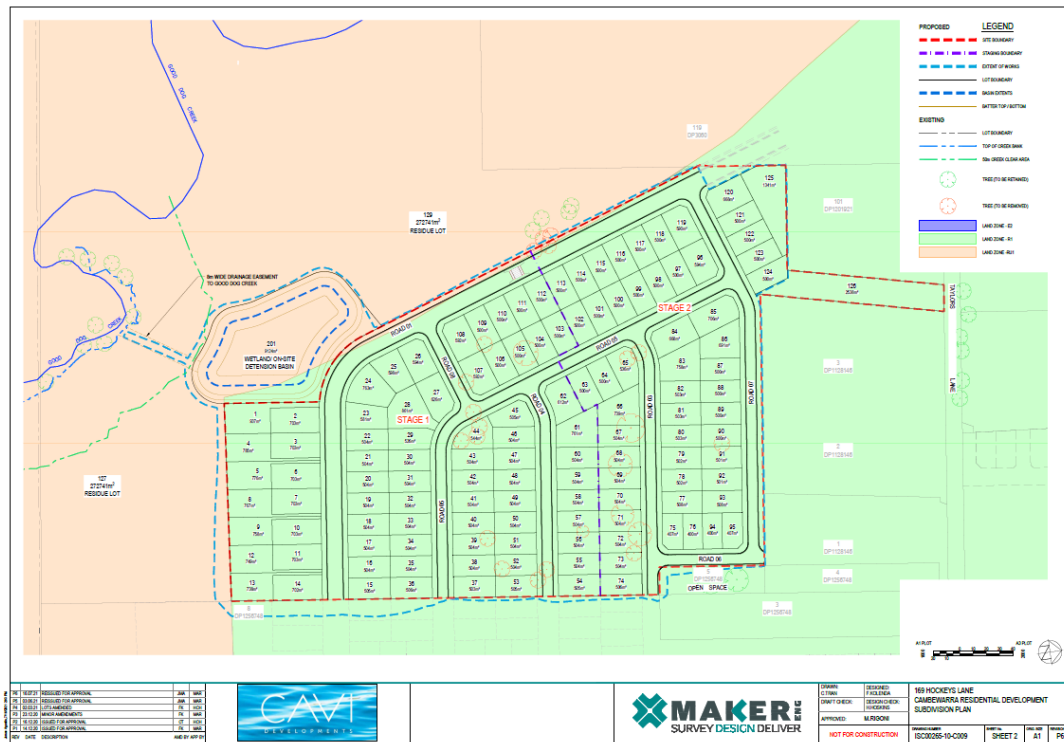


Figure 2 – Subdivision Plan (with zoning overlay) by Maker ENG (dated 16/07/2021)

## 2. Subject Site and Surrounds

The subject site:

- Is within Stage 3 of the Moss Vale Road South Urban Release Area (URA) and contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as “Watercourse Category 1”, traverses the southern section of the site.
- Is zoned R1 General Residential and RU1 Primary Production. Only the R1 zoned portion of the site is within the Urban Release Area.
- Is identified as bush fire prone land. However, this follows a recent change to mapping. The current mapping is to only be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.
- Is also identified as being flood prone land and of aboriginal cultural heritage significance.
- Has frontage to Taylors Lane, however, access to Taylors Lane is proposed via the roads approved under the adjoining subdivision to the east, being Development Consent SF10656 for “Residential subdivision to create 57 Torrens Title allotments, including 55 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works”.
- Adjoins land zoned R1 General Residential and RU1 Primary Production.





Figure 3 – Location Map

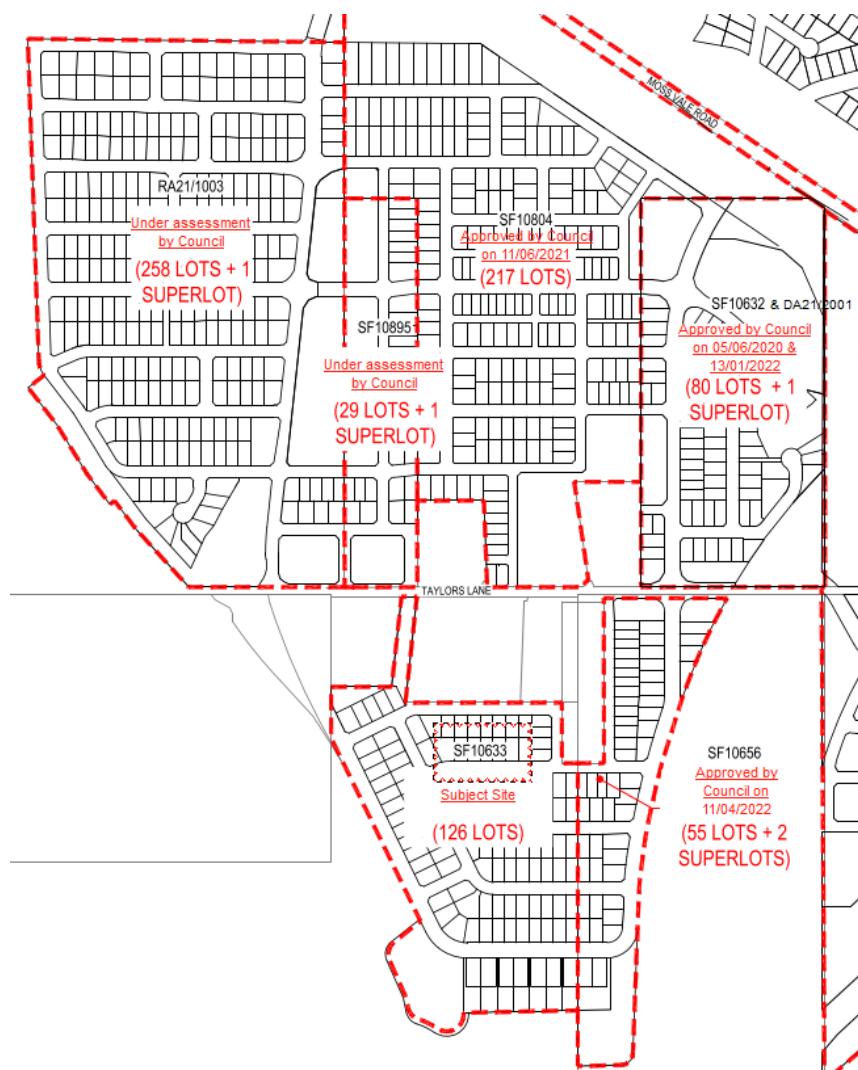


Figure 4 – Excerpt from Moss Vale Road South Urban Release Area Lot Layout Plan  
by Maker ENG (dated 04/03/2022) (edited by Council)

### 3. Background

#### Post-Lodgement

- This application was lodged on 23 November 2017.

The description of the application at lodgement was as follows:

*“Staged residential subdivision to create 142 Torrens Title allotments, including:*

- 141 residential allotments;
- One (1) drainage lot containing water detention and treatment infrastructure;
- One (1) residue lot containing the rural portion of the site containing an existing dwelling;
- One (1) open space lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works.”

The property description was Lot 102 DP 1201921 (known as 169 Hockeys Lane Cambewarra).

It is noted that the following plans were adopted by Council post-lodgement, on 28 August 2018 and commenced on 26 September 2018:

- Amendment No. 19 to Shoalhaven Development Control Plan 2014 (SDCP 2014) (*Chapter NB3: Moss Vale Road South Urban Release Area*)
- Amendment No. 9 to Shoalhaven Contributions Plan 2010 (SCP 2010)

The development proposed at lodgement was non-compliant with these plans.

Accordingly, the below actions reflect Council’s requests for general compliance with Chapter NB3, SDCP 2014 and SCP 2010, and the reason for such a protracted assessment.

- On 23 June 2020, Council resolved to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane (MIN20.419 as below). The review that is currently underway will consider options for how the existing trees along Taylors Lane could be retained and integrated into future urban development. At this stage the outcomes of the review are unknown. It is acknowledged that the proposed layout plan has been prepared generally on the basis of the indicative layout plan for Moss Vale Road South URA and may or may not be consistent with the outcomes of the review.

*“That Council:*

1. *Undertake the following reviews, with the assistance of consultants if required given current Council staff commitments, considering both the required road project and desire for retention of the trees:*
  - a. *Review Shoalhaven Development Control Plan 2014 Chapter NB3: Moss Vale Road South Urban Release Area*
  - b. *Review the existing zoning and potential planning controls for the area between Moss Vale Road and the edge of the Urban Release Area*
2. *As part of the reviews consider all relevant options to retain the existing trees that are currently a feature of Taylors Lane and how they could be successfully retained and integrated into the future urban development enabled by the existing zones;*



3. *Reconsider the current appropriateness of the existing R3 Medium Density, B1 Neighbourhood Centre and SP2 Infrastructure (educational establishment) zones at the eastern end of Taylors Lane as part of the review process.*
4. *Receive a briefing, if appropriate/needed, and a subsequent report on the reviews and to enable decisions to be made regarding the interrelated Taylors Lane issues.*
5. *Defer the decision on the proposed upgrading of Taylors Lane, Cambewarra in association with the Far North Collector Road pending the reviews and further community consultation as part of them.” (MIN20.419)*

- Council amended the applicant for this application from Cardno Pty Ltd to Indesco Southcoast Pty Ltd on 18 August 2020 as per the applicant’s request dated 14 August 2020.

It was noted that Lot 102 DP 1201921 (known as 169 Hockeys Lane Cambewarra) no longer existed and that since lodgement of this application, it had been subdivided to create Lots 10 and 5 of DP 1256748 (known as Taylors Lane Cambewarra).

Note: The applicant has provided confirmation (with official documentation) of a change in company name to Maker Eng Pty Ltd.

- Council amended the description of this application again on 27 January 2021 to the following as per the applicant’s request dated 12 January 2021.

*“Staged residential subdivision to create 131 Torrens Title allotments, including:*

- *130 residential allotments;*
- *One (1) residue lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works.”*

- On 11 May 2021, Council resolved to approve Development Application SF10804 for residential subdivision and associated works at Lot 3 DP 851823 (known as 104 Taylors Lane, Cambewarra) within Stage 2 of the URA but that:

*“No access is to be permitted to Taylors Lane at this time and that a suitable turning head is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate for all road termination points.” (MIN21.245)*

- Draft conditions of consent were forwarded to the applicant for comment on 4 March 2022.
- The applicant provided comments on the draft conditions of consent by email dated 7 March 2022.
- Council briefed the Southern Regional Planning Panel on 9 March 2022. There were a number of issues discussed, including the background to this application becoming regionally significant development, road access being dependent on staging of nearby development, tree removal and contamination.

The Panel sought further information and clarification of the following issues:

- *An explanation of the open space arrangements is required in the Council Assessment report. The panel seeks to understand how open space will be provided to this subdivision particularly given it is likely to be built well in advance of the other stages of the urban release area, including open space facilities.*
  - *A description of how Tree #20 will be retained on site to comply with the findings of the BDAR is required.*
  - *Confirmation of the low contamination likelihood for the site, with an explanation regarding the different classification given to this land compared with nearby (adjacent) sites.*
  - *A clear description of the relationship with and impact of this development on the nearby Cambewarra Village.*
- Council reviewed the applicant's comments on draft conditions and amended the draft conditions (where considered necessary) and description of this application again on 1 April 2022 to the following as per the applicant's request dated 9 March 2022.

*"Staged residential subdivision to create 126 Torrens Title allotments, including:*

- *124 residential allotments;*
- *One (1) drainage reserve;*
- *One (1) residue lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works."*

The property description of this application was also amended to be Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 5 DP 1256748 (known as Taylors Lane, Cambewarra).

- On 11 April 2022, Council resolved to grant partial approval of Development Application SF10656 for residential subdivision and associated works to the east of the subject site. Council also resolved to defer consideration of proposed allotments fronting Taylors Lane and any construction within the Taylors Lane road reserve until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

The consent required that:

*"No access is permitted to Taylors Lane, with the exception of access across Road 01, at this time given Council's resolution to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane."* (MIN22.260)

#### 4. Consultation and Referrals

Internal Referrals		
Referral	Recommendation Summary	Comment
Development Engineer	No objections subject to recommended conditions of consent (dated 04/02/2022).	Conditions to be imposed with amendments to address landscaping works and street trees.

		It is also noted that the applicant has provided an amended subdivision plan with Lots 125 and 126 consolidated into a residue lot. This lot is not to be developed until such time that a public road frontage is available to service this lot.
Road Asset Manager	Concerns raised and additional information requested (dated 26/02/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Traffic & Transport Unit	Concerns raised and additional information requested (dated 13/04/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Drainage Engineer	Concerns raised and additional information requested (dated 12/06/2019).	Conditions to be imposed, as recommended by Council's Development Engineer.
Floodplain & Stormwater Quality Engineer	No objections subject to recommended conditions of consent (dated 14/04/2021).	Conditions to be imposed only in relation to flooding.
Environmental Assessment Officer	No objections subject to recommended conditions of consent (dated 22/11/2021).	Conditions to be imposed.
Waste	No objections subject to recommended conditions of consent (dated 13/02/2018).	Conditions to be imposed, only in relation to the requirement for a WMP.
Shoalhaven Water	Notice provided (dated 19/05/2021).	Conditions to be imposed.
Environmental Health Officer	No objections subject to recommended conditions of consent (dated 31/03/2022).	Conditions to be imposed.
Landscape Architect	No objections subject to recommendations (dated 22/02/2018).	Conditions to be imposed, with the requirement for a landscape strategy.
Property Unit	Additional information requested with recommended condition of consent (dated 09/08/2021).	Condition to be imposed.
Community & Recreation	No objections subject to recommendations (dated 27/02/2018).	Conditions to be imposed.

External Referrals		
Agency	Recommendation	Comment
Transport for NSW (formerly Roads & Maritime Services)	No objections subject to recommended conditions of consent (dated 01/08/2021).	Conditions to be imposed with amendment to not reference plans approved as part of SF10656.
Endeavour Energy	No objections subject to recommendations and comments (dated 11/03/2021).	Conditions and advisory note to be imposed.
NRAR (formerly DPI - Water)	General Terms of Approval issued (dated 04/10/2018).	Conditions to be imposed.
Heritage NSW (formerly NSW OEH)	General Terms of Approval issued (dated 10/09/2018).	Conditions to be imposed.
NSW Police	No objections (dated 27/09/2017).	Noted.
DPIE (formerly DOP)	<p>Illawarra Shoalhaven SIC has been finalised.</p> <p>Accordingly, Council is required to place a condition of consent on any determination to require payment of the SIC to the Department. This would be the mechanism for the Department to collect State contributions in this case.</p> <p>The wording of the condition is in the <i>Ministerial Direction</i>.</p>	Condition to be imposed.
Nowra Local Aboriginal Land Council	No response.	Noted.

## 5. Other Approvals

Integrated Approvals and Concurrences		
Agency	Recommendation	Comment
NRAR (formerly DPI - Water)	General Terms of Approval issued (dated 04/10/2018).	Conditions to be imposed.
Heritage NSW (formerly NSW OEH)	General Terms of Approval issued (dated 10/09/2018).	Conditions to be imposed.

## 6. Statutory Considerations

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following planning instruments and controls apply to the proposed development:

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

Additional information on the proposal's compliance with the above planning instruments is detailed below in Section 7 (Statement of Compliance/Assessment) of this report.

## 7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the EP&A Act.

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

#### i) Environmental Planning and Assessment Act 1979

##### Section 1.7 – Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

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

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

- The thresholds under s.7.1 of the Regulation are exceeded;

- The clearing of native vegetation of an area declared by cl. 7.2
- The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)
- A proposed development is likely to significantly affect threatened species based on the Test of Significance in section 7.3 of the Act
  - Area of clearing;
  - Biodiversity Values Map and Threshold Tool; and
  - Test of significance.

The proposed area of clearing is based off the minimum lot size. The minimum lot size for the subject site is 500m<sup>2</sup>. Reference to the clearing thresholds provided under s.7.1 of the Regulation the clearing threshold is 0.25ha. The clearing required for the proposed development is 0.78ha which is over the clearing threshold.

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

A Biodiversity Development Assessment Report (BDAR) has been submitted as part of this application and reviewed by Council's Environmental Assessment Officer. As part of this review a site inspection has been undertaken.

All the trees within the URA boundary are proposed for removal, with the exception of those within the Council reserve. The latest plans show 24 trees to be removed and two (2) trees to be retained on Council land. The BDAR does not provide an exact number of trees to be removed or retained but assesses the removal of all native vegetation within the lot and road footprint, which they have calculated as 0.78ha. This vegetation loss mostly comprised of the removal of the remnant canopy trees, as there are very few native understory species recorded at the site.

The BDAR has assessed the removal of 16 hollow-bearing trees, containing approximately 10 small hollows (<15cm diameter), six (6) medium (15-30cm diameter) hollows, 10 large hollows (>30cm diameter) and 16 fissured branches (suitable for microbats).

The Environmental Assessment Officer has noted that the proposed residential subdivision will result in change in the use of the land and a large increase in human activity. Many of the species that would use the hollows (including Threatened microbat species) are sensitive to urban development. The majority of the hollow-bearing trees are within the central part of the residential area and would be indirectly impacted and possibly become unusable for the threatened species.

As the URA boundary and the indicative lot layout is determined in the DCP, there is little room to revise the lot layout to retain these trees and provide adequate buffers to trees to avoid indirect impacts. Therefore, the impacts to these trees are to be assessed as removal of habitat within the BDAR.

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



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

With regard to impacts, it was confirmed in the BDAR that the proposal will impact vegetation consistent with Plant Community Type (PCT) 1212 – Spotted Gum – Grey Ironbark – Woollybutt grassy open forest on coastal flats, southern Sydney Basin Bioregion and South East Corner Bioregion. The PCT with the subject site does not conform with any associated Threatened Ecological Communities.

Biodiversity Assessment Method (BAM) plots were completed to assess the vegetation and habitat values affected by the proposal. The data gathered was input into the BAM Credit Calculator by an accredited assessor. No Ecosystem Credits are required for PCT 1212, given the low vegetation integrity score (being less than 17/100).

Habitat survey was undertaken for a number of potentially occurring Species Credit Species. Targeted survey was not undertaken for some candidate species of concern, due to a high likelihood of occurrence and seasonal or budgetary restrictions as indicated in the BDAR. These species were therefore assumed to be present. The results require 36 Species Credits inclusive of Glossy Black-cockatoo, Gang-gang Cockatoo, Large-eared Pied Bat, Little Eagle, Square-tailed Kite, Southern Myotis, Barking Owl, Powerful Owl and Masked Owl habitat. No threatened flora species were recorded as part of this assessment.

As stated in the BDAR:

*“While it has been assessed that the Subject Land will be cleared in its entirety, additional avoidance and mitigation measures will be undertaken to reduce the severity of these impacts on the local biodiversity. These measures include an ecologist pre-clearance survey, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase.”*

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

#### Section 1.7 – Fisheries Management Act 1994

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

#### Section 4.46 – Integrated Development

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

Act	Provision	Approval	Determination details
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval	General Terms of Approval issued (dated 10/09/2018). Recommendation

		or activity approval under Part 3 of Chapter 3	
National Parks and Wildlife Act 1974	s90	Grant of Aboriginal heritage impact permit	General Terms of Approval issued (dated 04/10/2018).

#### Section 7.11 – Developer Contributions: Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as a Subdivision development for the purpose of calculating contributions under the Plan. Contributions are to be subject to a recommended condition of consent and payment required prior to the issue of a Subdivision Certificate.

The number of proposed lots for this calculation is 124.

The proposed stages for creation of the residential allotments are as follows:

Stage 1: 72 residential allotments (with one (1) residue lot added, and one (1) lot credit (existing) applied)

#### **Subdivision**

	Existing	Proposed
Lots	1	73
Total ET		72
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$706.53	72	\$50,870.16	\$0.00	\$50,870.16
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93	72	\$39,450.96	\$0.00	\$39,450.96
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61	72	\$53,251.92	\$0.00	\$53,251.92
01 CFAC 0002	Community Hall North Nowra	\$145.51	72	\$10,476.72	\$0.00	\$10,476.72
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$30.25	72	\$2,178.00	\$0.00	\$2,178.00
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,289.75	72	\$236,862.00	\$0.00	\$236,862.00
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$10,592.85	72	\$762,685.20	\$0.00	\$762,685.20
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,588.40	72	\$402,364.80	\$0.00	\$402,364.80
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,949.31	72	\$140,350.32	\$0.00	\$140,350.32
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26	72	\$106,074.72	\$0.00	\$106,074.72
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	72	\$93,027.60	\$0.00	\$93,027.60
CW CFAC 5007	Shoalhaven Regional Gallery	\$70.93	72	\$5,106.96	\$0.00	\$5,106.96
CW FIRE 2001	Citywide Fire & Emergency services	\$139.37	72	\$10,034.64	\$0.00	\$10,034.64
CW FIRE 2002	Shoalhaven Fire Control Centre	\$203.89	72	\$14,680.08	\$0.00	\$14,680.08

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748,  
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP  
1256748

CW MGMT 3001	Contributions Management & Administration	\$579.56	72	\$41,728.32	\$0.00	\$41,728.32
Sub Total:						\$1,969,142.40
GST Total:						\$0.00
Estimate Total:						\$1,969,142.40

Stage 2: 52 residential allotments

**Subdivision**

	Existing	Proposed
Lots	0	52
Total ET		52
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$706.53	52	\$36,739.56	\$0.00	\$36,739.56
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93	52	\$28,492.36	\$0.00	\$28,492.36
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61	52	\$38,459.72	\$0.00	\$38,459.72
01 CFAC 0002	Community Hall North Nowra	\$145.51	52	\$7,566.52	\$0.00	\$7,566.52
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$30.25	52	\$1,573.00	\$0.00	\$1,573.00
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,289.75	52	\$171,067.00	\$0.00	\$171,067.00
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$10,592.85	52	\$550,828.20	\$0.00	\$550,828.20
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,588.40	52	\$290,596.80	\$0.00	\$290,596.80
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$1,949.31	52	\$101,364.12	\$0.00	\$101,364.12
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26	52	\$76,609.52	\$0.00	\$76,609.52
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	52	\$67,186.60	\$0.00	\$67,186.60
CW CFAC 5007	Shoalhaven Regional Gallery	\$70.93	52	\$3,688.36	\$0.00	\$3,688.36
CW FIRE 2001	Citywide Fire & Emergency services	\$139.37	52	\$7,247.24	\$0.00	\$7,247.24
CW FIRE 2002	Shoalhaven Fire Control Centre	\$203.89	52	\$10,602.28	\$0.00	\$10,602.28
CW MGMT 3001	Contributions Management & Administration	\$579.56	52	\$30,137.12	\$0.00	\$30,137.12

Sub Total: \$1,422,158.40  
GST Total: \$0.00  
Estimate Total: \$1,422,158.40

**ii) Environmental planning instrument**

SEPP (Planning Systems) 2021

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

During assessment of this application, the applicant amended proposed bulk earthworks to encroach Council-owned land (being Lot 5 DP 1256748 an open space lot). The proposed earthworks comprise some cut of the existing levels within the lot to facilitate the construction of Road 06 and the associated compliant batter. This is considered acceptable by Council from both an owner's consent perspective, with owners' consent obtained, and from an engineering/design perspective as assessed throughout this report.

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

#### SEPP (Transport and Infrastructure) 2021

Section 2.48(1)(b)(iii) (formerly clause 45(1)(b)(iii) of SEPP (Infrastructure) 2007) is applicable and the application referred to the *electricity supply authority for the area* (Endeavour Energy) on 10/03/2021 as required for comment. A response was provided (as detailed under the 'Referrals' section of this report) and has been considered.

#### SEPP (Biodiversity and Conservation) 2021

The SEPP contains the mechanism for the removal of vegetation in a non-rural area. Council may issue a permit for the clearing of vegetation within the subject zone under Part 2.3 of the SEPP. In this instance, vegetation to be removed is being considered ancillary to this development proposal and is subject to any controls contained within Chapters G4 and G5, Shoalhaven DCP 2014, addressed later in this report.

#### SEPP (Resilience and Hazards) 2021

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

Question	Yes		No	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3		Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3		Assessment under SEPP and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> <li>Child care facility</li> <li>Educational use</li> <li>Recreational use</li> <li>Health care use</li> <li>Place of public worship</li> <li>Residential use in a commercial or industrial zone</li> </ul>		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding	X	Proceed to Question 5		Proposal satisfactory under SEPP and DCP.

Question	Yes		No	
lands. Is there any evidence that the land has been used for a listed purpose?				
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	X	Request contaminated site assessment		Proposal satisfactory under SEPP and DCP.

The site was inspected on 8 February 2018, with there being no evidence of obvious contamination. However, it is apparent that there is potential for contamination from agricultural uses on this site (predominantly grazing).

Council's Environmental Health Officer reviewed the submitted Environmental Risk and Planning Report and Statement of Environmental Effects (in particular Sections 4.2.8.2 and 5.6) in relation to assessment for contaminated land. Assessment found that the potential for subsurface contamination to be present at the site is low due to the absence of current or historical potential sources of significant contamination risk. No potential Areas of Environmental Concern (AECs) were identified. The historical agricultural land use is considered to pose little to no risk to site users or the surrounding environment.

The following conditions of consent were recommended:

- If potentially contaminated material is encountered an Unexpected Discovery of Contaminated Land Procedure will be required to be submitted to Council and implemented on site as soon as practicable.*
- Works in the vicinity of suspected contaminated waste will be stopped or modified and will not recommence until the material has been analysed and management measures developed.*
- Owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated must notify the Environmental Protection Agency (EPA) as soon as practicable after becoming aware of the contamination, if the contamination meets criteria for significant risk of harm to public health or the environment.*

Accordingly, no objections were raised subject to the Environmental Health Officer's recommended conditions of consent as above with amendments to reflect updated standard conditions being imposed with any consent granted. It is considered that the proposal is satisfactory under this SEPP and SDCP 2014.

#### Shoalhaven LEP 2014

#### **Land Zoning**

The land is zoned R1 General Residential and RU1 Primary Production under the SLEP 2014.

#### **Characterisation and Permissibility**

The proposal is best characterised as *Subdivision of land* including associated *Roads* and *Water supply systems* under the SLEP 2014. The proposal is permitted within the zones with the consent of Council.

The subdivision is proposed predominantly within the R1 zoned portion of the subject land (being the extent of the URA) with the residue lot to be split between this zone and the RU1 zoned portion.

Roads (including associated earthworks) are proposed within the R1 zoned portion of the land.

The water supply system (being the proposed wetland/on-site detention basin and associated drainage works) is proposed predominantly within the RU1 zoned portion of the land, however, is also located within the R1 zoned portion.

Overall, the proposal is permitted within both zones with the consent of Council.

### R1 Zone objectives

Objective	Comment
• <i>To provide for the housing needs of the community.</i>	Satisfies the nominated objective as new residential lots will be created.
• <i>To provide for a variety of housing types and densities.</i>	Satisfies the nominated objective. The zone and design of the subdivision will influence the housing types.
• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Satisfies the nominated objective. The zone will influence land uses.
• <i>To identify land suitable for future urban expansion.</i>	Satisfies the nominated objective through delivering residential development in line with the strategic intent for the URA.

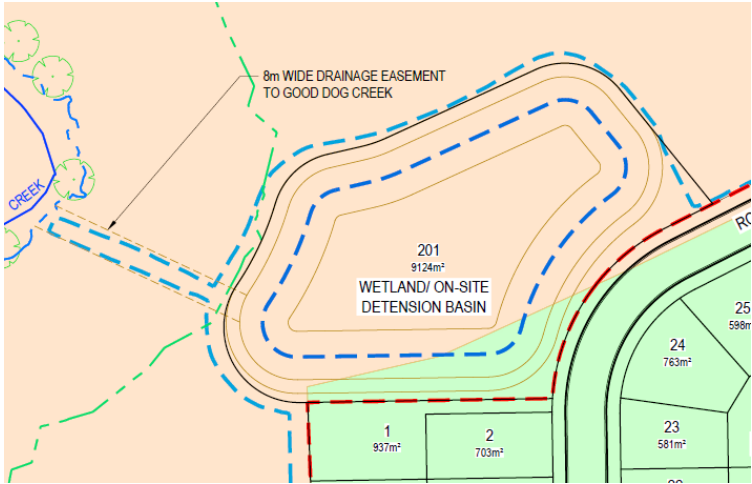
### RU1 Zone objectives

Objective	Comment
• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	Satisfies the nominated objective. Work within the RU1 zone is limited to the proposed wetland/on-site detention basin and associated drainage works, with the remainder of land within the zone to remain as primary agricultural land as anticipated by Chapter NB3 of the DCP and the URA.
• <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	Not applicable.
• <i>To minimise the fragmentation and alienation of resource lands.</i>	Satisfies the nominated objective. The proposed subdivision minimises fragmentation through minimising land subdivision within the RU1 zoned land to limit it to excising the URA R1 zoned land.
• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Satisfies the nominated objective though proposing residential subdivision of adjoining R1 zoned land to the intended staging and residential lot layouts as envisaged by the DCP.



• <i>To conserve and maintain productive prime crop and pasture land.</i>	Satisfies the nominated objective through conserving the residue lot as RU1 zoned land.
• <i>To conserve and maintain the economic potential of the land within this zone for extractive industries.</i>	Satisfies the nominated objective. The residue RU1 lot is of suitable size and orientation to facilitate the continued agricultural uses of this land.

#### SLEP 2014 Sections

Section	Comments	Complies/ Consistent
<b>Part 2 Permitted or prohibited development</b>		
<b>2.6</b> Subdivision – Consent requirements	Consent sought as part of this application. Torrens Title subdivision proposed.	Yes
<b>Part 4 Principal development standards</b>		
<b>4.1</b> Minimum subdivision lot size	All proposed allotments except for Lot 201 (as containing land outside of the URA and not meeting the relevant minimum lot size of 40ha) and Lots 75-76 and 94-95 (as subject to the provisions of section 4.1H) meet the minimum lot size of 500sqm.	Yes
<b>4.1E</b> Minimum lot size for certain split zone lots	<p>Proposed Lot 201 is to contain land in an urban zone that has an area that is not less than the relevant minimum lot size of 500sqm and contains all of the land in the RU1 zone that was in the original lot (the subject site, being Lot 2 DP 1281124) as shown in Figure 5 below.</p>  <p><i>Figure 5 – Excerpt from Subdivision Plan (with zoning overlay) by Maker ENG (dated 16/07/2021)</i></p> <p>Therefore, this lot meets the relevant criteria of subsection (3).</p>	Yes

	The 'wetland/on-site detention basin' and any associated infrastructure will be located within a dedicated drainage reserve.	
<b>4.1H</b> Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses on certain land in Moss Vale Road South urban release area	<p>This section applies as part of the subject land is identified as "Clause 4.1H" on the Lot Size Map.</p> <p>Despite the provisions of section 4.1(3) of this Plan, subdivision within this area is permitted to result in lots less than 500sqm in area, provided they meet the following requirements under subsection (2):</p> <p><i>(a) the lot has a primary street frontage,</i>  <i>(b) the size of the lot is at least 300 square metres,</i>  <i>(c) if the size of the lot is less than 400 square metres—the lot is accessed by vehicle using a rear lane or shared driveway.</i></p> <p>Proposed Lots 75-76 and 94-95 are applicable and less than 500sqm in area. They meet the criteria of subsection (2) as they each have primary street frontage and exceed 300sqm in area (i.e. ranging from 400-407sqm).</p>	Yes
<b>Part 5 Miscellaneous provisions</b>		
<b>5.16</b> Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Satisfied. The existing and approved uses of land in the vicinity of the development have been considered and the development is unlikely to have a significant impact nor be incompatible with the proposed subdivision of land and future erection of dwellings, subject to recommended conditions of consent.	Yes
<b>5.21</b> Flood planning	<p>Council's Floodplain &amp; Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 14/04/2021).</p> <p>Flood modelling for the existing and proposed scenario has been undertaken using the TUFLOW hydraulic model developed for the Bomaderry Creek FRMS&amp;P. The proposed development extent is mostly outside the 1% AEP flood extent, with the exception of the proposed wetland and OSD basin which is located in an area south of the URA boundary and mapped as comprising a shallow flood depth, low velocities, Low Hazard Flood Fringe and a H1 Hazard category. It is considered that a wetland would be suitable in an area with these flood parameters. The hydraulic modelling also demonstrates that flood impacts in a 1% AEP event are relatively minor and localised.</p> <p>The provisions of subsection (2) have been satisfied and the provisions of subsection (3) have been considered.</p>	Yes

Part 6 Urban release areas		
<b>6.1</b> Arrangements for designated State public infrastructure	<p>Subsection (4) specifies that this section does not apply to land in an urban release area if all or any part of the land is in a special contributions area, as is the case for this application.</p> <p>The Department of Planning and Environment confirmed that the Illawarra Shoalhaven SIC has been finalised.</p> <p>Accordingly, Council is required to place a condition of consent on any determination to require payment of the SIC to the Department. This would be the mechanism for the Department to collect State contributions in this case.</p> <p>The wording of the condition is in the <i>Ministerial Direction</i>.</p>	Yes
<b>6.2</b> Public utility infrastructure	Satisfied. Public utility infrastructure essential for the development is either available or adequate arrangements have been made to make that infrastructure available when required.	Yes
<b>6.3</b> Development control plan	Satisfied. Chapter NB3 of SDCP 2014 has been prepared.	Yes
<b>6.5</b> Exceptions to minimum lot size—subdivision of land in approved land use zones	<p>This section applies as the original lot (subject site) is in an urban release area and in an approved land use zone, being the RU1 zone.</p> <p>Development consent is able to be granted to create a residual lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to the land comprising the residual lot if the residual lot is wholly within an approved land use zone.</p> <p>This is not applicable as proposed Lot 201 is not wholly within the RU1 zoned portion of the subject site, being Lot 2 DP 1281124.</p>	N/A
Part 7 Additional local provision		
<b>7.1</b> Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the watertable. Accordingly, an acid sulfate soils management plan not required.	N/A
<b>7.2</b> Earthworks	<p>The provisions of subsection (3) have been considered.</p> <p>The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties, subject to recommended conditions of consent.</p>	Yes

<b>7.5</b> Terrestrial biodiversity	<p>The subject site is identified as “Biodiversity – habitat corridor” and “Biodiversity – significant vegetation” on the Terrestrial Biodiversity Map, and situated within 40m of the bank of Good Dog Creek.</p> <p>Following consideration of the provisions of subsection (3), the proposal is unlikely to have any adverse impact, subject to recommended conditions of consent.</p> <p>Accordingly, the proposal is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>	Yes
<b>7.6</b> Riparian land and watercourses	<p>Good Dog Creek, identified as “Watercourse Category 1”, traverses the southern section of the site.</p> <p>The subject site is not identified as “Riparian Land”.</p> <p>The development is to be sited and will be managed to avoid any significant adverse environmental impact on this watercourse.</p>	Yes
<b>7.11</b> Essential services	Services are available.	Yes
<b>7.21</b> Development on land in the vicinity of the Western Bypass Corridor	<p>The impact of noise, vibrations and other emissions from any future construction and ongoing use of the Western Bypass Corridor as a road has been considered.</p> <p>It is considered that the development would not prejudice or otherwise restrict the future construction (including the provision of any public utility infrastructure) and operation of the future road.</p>	Yes

### iii) Draft Environmental Planning Instrument

None relevant.

### iv) Any Development Control Plan

Shoalhaven DCP 2014

Generic Chapters
<u>G2: Sustainable Stormwater Management and Erosion/Sediment Control</u>
<p>The provisions of this chapter have been considered and Council’s Engineers have raised no objections in relation to the proposed stormwater management, ongoing and construction erosion and sediment control measures, subject to conditions of consent being imposed (as detailed under the ‘Referrals’ section of this report).</p> <p>A number of drainage lines on the eastern side of the site rely on connection to the adjacent development (SF10656) and therefore a condition would be applied with any consent granted to</p>

ensure that a capacity check of the drainage infrastructure is provided prior to the issue of a Subdivision Works Certificate and installed prior to a Subdivision Certificate.

The submitted Water Cycle Management Strategy is acceptable and would be conditioned with any consent granted.

#### G3: Landscaping Design Guidelines

In accordance with the provisions of Chapter NB3 of this Plan, a landscape strategy, prepared by a suitably qualified person, is required. The strategy is to include as a minimum a landscape plan as per the requirements of this chapter. The recommended draft conditions of consent include a requirement for this to occur prior to the issue of a Subdivision Works Certificate.

#### G4: Removal and Amenity of Trees

The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended draft conditions of consent.

#### G5: Biodiversity Impact Assessment

The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

#### G7: Waste Minimisation and Management Controls

No Waste Management Plan (WMP) was provided with this application.

A formal WMP is to be submitted regarding the waste management of the development and ongoing waste collection and subject to a condition of consent being imposed. The conditions included in the recommended draft consent, require this prior to the issue of a Subdivision Works Certificate.

#### G11: Subdivision of Land

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

#### NB3: Moss Vale Road South Urban Release Area

The development generally complies with the provisions of this chapter (refer to Appendix B). However, there is a **non-compliance with Mandatory Control (4) of Control 7.3 Subdivision Design** and the design of the street blocks. The blocks are to be rectangular in shape with the length and width (excluding road verges) to be a maximum of 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located; and 200m x 70m in all other areas.

The street block length encompassing Lots 96-119 is approximately 206m long (as indicated by the applicant).

Figure 6 – Excerpt from Lot Layout Plan by Maker ENG (dated 04/04/2022)

*“Road 08 has been located to allow sufficient separation between the intersections along Road 05.”*

Accordingly, this variation can be supported by Council.



**vi) Any coastal zone management plan**

Not applicable.

**(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality**

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment. The proposal will have a balanced and acceptable impact on the natural environment as outlined in the submitted BDAR and to satisfy the relevant biodiversity legislative requirements.
Built Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the built environment.
Social Impacts	It is considered that there will be minimal social impacts. The proposal delivers much needed land release for future housing within the Shoalhaven LGA as envisaged by the URA.
Economic Impacts	It is considered that there will be no adverse economic impacts. The proposal facilitates further residential development in a region with significant housing pressures. The proposal will have positive economic impacts with regard to construction and economic development.

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

The proposal is for residential subdivision in a URA area which has been subject to extensive strategic review of its design and location. With regard to site suitability the DA is compliant with the relevant site analysis and location requirements of Shoalhaven DCP 2014. Subject to recommended conditions of consent, it is considered that the site will be suitable for the development.

**(d) Submissions made in accordance with the Act or the regulations**

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 20 December 2017 to 2 March 2018. It is noted this is prior to changes to the development application submitted during the assessment process. It was considered however that further notification of the proposal was not warranted due to the minor extent of the changes and positive nature of the changes as they related to the issues and concerns raised.

Three (3) submissions were received by Council either objecting to or raising concerns with the proposal as originally lodged. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
Design of proposed allotments with no small allotments to be permitted.	<p>Four (4) small lots are proposed as part of this application.</p> <p>The development complies with the residential density targets required by Chapter NB3, SDGP 2014, and Council is supportive of the applicant's justification in the submitted Design Verification Statement (dated 16/07/2021):</p> <p><i>"The lot layout provides 4 minimum 400m2 medium density lots fronting open space to the north portion of the site complying with section 4.1H of the LEP.</i></p> <p><i>There are 14 large residential lots south of Road 01 ranging in size (702-937m2) achieving a density of 10 lots/ha.</i></p> <p><i>There is 1 x large lot 2538m2 (lot 126) between Lot 101 DP1201921 and Lot 3 DP1128146. This is required due to the constraints of the site layout.</i></p> <p><i>There is 1 x large lot 1341m2 (lot 125), backing onto proposed lots 120 to 124. This is required due to the constraints of the site layout.</i></p> <p><i>The remaining 106 lots are standard residential generally, minimum 500m2."</i></p>
Lack of existing infrastructure	<p>Public utility infrastructure essential for the development is either available or adequate arrangements have been made to make that infrastructure available when required.</p>
Tree removal and proposed removal of tree nominated as No. 20 which should be retained as significant due to species and age.	<p>Council's Environmental Assessment Officer (EAO) confirmed that 'Tree 20' is shown in the original Arborist Development Assessment Report by Moore Trees.</p> <p>This tree is a Turpentine (<i>Syncarpia glomulifera</i>) as stated in the arborist assessment. The tree was not identified as containing any hollows in the Flora and Fauna Assessment by EcoPlanning or the BDAR by Lodge Environmental. No obvious hollows were identified within the tree during the site inspection, however due to the size and age of the tree there is still habitat potential for Threatened microbats.</p> <p>The tree is of a significant size and age, as are the majority of the remnant trees at the site. This is why the site contains a high density of hollows. The tree is not very tall but has a large trunk diameter.</p> <p>The tree is just south of proposed Road 07 and within Lot 90. The tree is indicated for removal on the latest plans; however, the plans do underestimate the size of the tree. It is also noted that there is little opportunity for a redesign to successfully retain this tree. The tree has been assessed</p>

	for removal within the BDAR and is supported by Council's EAO.
Noise and amenity impacts	<ul style="list-style-type: none"> <li>▪ Council is satisfied that there will be no adverse noise or amenity impacts resulting from this development, subject to recommended conditions of consent in relation to construction works.</li> </ul>
Lack of area for visitor parking	<ul style="list-style-type: none"> <li>▪ Car parking requirements would be the subject of future development of the proposed allotments.</li> <li>▪ It is considered that each lot has the appropriate area and dimensions for the siting and construction of a dwelling and minimum required area for private open space, vehicle access and parking, and any ancillary outbuildings, as required by Chapters G12, G13 and NB3, SDCP 2014.</li> </ul>
Housing density is too high	<ul style="list-style-type: none"> <li>▪ As detailed in this report, the development complies with the residential density targets required by Chapter NB3, SDCP 2014 and as envisaged by the URA strategic planning.</li> </ul>
Timing of the development to be deferred to the last stage of the URA to allow completion of the loop road.	<ul style="list-style-type: none"> <li>▪ The staging of the URA is to be undertaken in accordance with Figure 3 of Chapter NB3, SDCP 2014.</li> </ul> <p>The subject site lies within Stage 3 of the URA, and the proposed development has been designed to occur following construction of that approved as part of Development Consent SF10632 (as modified).</p>
Construction traffic and use of Taylors and Hockeys Lanes	<ul style="list-style-type: none"> <li>▪ Access is required via Moss Vale Road. Construction access is not proposed via Taylors Lane.</li> </ul>
Importation of fill and flooding requirements	<ul style="list-style-type: none"> <li>▪ As detailed in this report, Council's Floodplain &amp; Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 14/04/2021).</li> </ul> <p>Flood modelling for the existing and proposed scenario has been undertaken using the TUFLOW hydraulic model developed for the Bomaderry Creek FRMS&amp;P. The proposed development extent is mostly outside the 1% AEP flood extent, with the exception of the proposed wetland and OSD basin which is located in an area south of the URA boundary and mapped as comprising a shallow flood depth, low velocities, Low Hazard Flood Fringe and a H1 Hazard category. It is considered that a wetland would be suitable in an area with these flood parameters. The hydraulic modelling also demonstrates that flood impacts in a 1% AEP event are relatively minor and localised.</p>

### **(e) The Public Interest**

The proposed development generally complies with the provisions of SLEP 2014 and is broadly consistent with the SDCP 2014 (albeit for the variation to design of street blocks under Mandatory Control (4) of Control 7.3 *Subdivision Design*, Chapter NB3). Subject to conditions of consent the development is not expected to have any unacceptable negative impacts on the environment, or the amenity of the locality as detailed in this report warranting refusal of the development.

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

### **Delegations**

#### **Guidelines for use of Delegated Authority**

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

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

### **Recommendation**

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

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

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

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. As such, it is recommended that Development Application No. SF10633 be approved subject to appropriate conditions of consent as recommended at Attachment 2.

## Appendix A – Assessment Checklist: Chapter G11 - Subdivision of Land

### 5.9 – Utility Services

A66.1 Design and provision of utility services, including broadband, conforms to the requirements of the relevant service authorities.

Comment: Subject to recommended conditions of consent.

A67.2 Compatible services are located in common trenching.

Comment: Noted.

A67.3 Subdivisions are located where there is adequate water for domestic and fire-fighting purposes.

Comment: Satisfied.

A67.4 Subdivision is staged to ensure that each stage is fully serviced before a new area is released.

Comment: Noted. The proposed subdivision will be delivered in line with the staging anticipated under Chapter NB3 of the DCP.

A67.5 Water supply and sewerage networks are accessible, easy to maintain and cost effective based on life cycle costs.

Comment: Satisfied.

A67.6 Adequate buffers between utilities and houses are provided, to protect residential amenity and health.

Comment: Satisfied.

A67.7 Underground electricity supply is provided to residential areas, except where major technical difficulties are encountered, such as the presence of significant rock.

Comment: Satisfied.

A67.8 Provision of reticulated gas is subject to requirements of the service provider.

Comment: Noted. This matter would be determined through discussions between the developer and service provider.

A67.9 Underground telecommunications service, including NBN, is to be installed where underground electricity is to be provided.

Comment: Noted.

A67.1 Where required, the subdivider is to provide, at no cost to Council:

- Suitable easements for water and sewer rising main;
- An agreed area of land for pumping stations;

- Easements or land for access to pumping stations;

Comment: Subject to the requirements of Shoalhaven Water and their Notice.

### 5.10 – Stormwater Drainage

A68.1 Design and construction of systems is in accordance with the requirements of this Section and Council's *Engineering Design Specifications - D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

A69.2 Detention basins may be considered/required where downstream systems are inadequate. Design is to be based on the 1% AEP storm event.

Comment: Not applicable.

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

Comment: Not applicable.

A70.2 Connection of a new system to an existing system with capacity less than 1% AEP:

- Satisfies the requirement of the 1% AEP event; and
- Provides a suitable transition between the systems.

Comment: Not applicable.

A70.1 Habitable floor levels are consistent with the requirement in Chapter G9: Development on Flood Prone Land of this DCP.

Comment: Not applicable.

A71.2 Subdivision and engineering plans show minimum floor levels adjacent to drainage paths, including roads where they are used as overland flow paths in the design concept.

Comment: Not applicable. No buildings are proposed as part of this application.

A71.1 Waterways and riparian/wetland vegetation, where they exist, are incorporated into the drainage design, with respect to threatened species and their habitats.

Comment: Satisfied in relation to Good Dog Creek, subject to compliance with the General Terms of Approval issued by NRAR.

A72.2 Sports grounds and other less flood sensitive land uses are incorporated into the local drainage corridor.

Comment: Not applicable.

A72.3 Detention basins, where necessary, are located to control stormwater subject to preserving and/or enhancing the natural integrity of the stream.

Comment: Satisfied.



A72.4 System design ensures there are no flow paths that increase the risk to public safety and property.

Comment: Satisfied following consideration by Council's Development Engineer.

A72.1 Design and construction of minor storm drainage systems is in accordance with this Section and *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

Comment: Subject to Council's Development Engineer recommended conditions of consent.

A73.2 Drainage networks are well defined to ensure there are no hidden flow paths that could reduce their capacity to convey design flows.

Comment: Satisfied following consideration by Council's Development Engineer.

A73.3 Design of minor systems takes full account of existing downstream systems.

Comment: Satisfied following consideration by Council's Development Engineer.

A73.1 Minor road drainage systems are designed for the 20% AEP event.

Comment: Satisfied following consideration by Council's Development Engineer.

A74.2 Low flow pipes within public reserves contain 25% of the 10% AEP flow.

Comment: Satisfied following consideration by Council's Development Engineer.

A74.1 Design and construction of minor storm drainage systems is in accordance with this Section and *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

A75.2 Access for maintenance is available where a portion of the minor system lies within a site.

Comment: Satisfied.

A75.3 Selection of materials is based on their suitability, durability, maintainability and cost effectiveness.

Comment: Noted.

A76.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept runoff from all existing or future impervious areas that are likely to be directly connected.

Comment: Subject to recommended conditions of consent.

A77.2 Easements favouring the benefiting allotments are created over inter-allotment drainage.

Comment: Subject to recommended conditions of consent.

A77.3 Stormwater discharge from a development site, including inter-allotment drainage, is in accordance with *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

### 5.11 – Stormwater Quality Management

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

### 5.12 – Residential Streetscape

Comment: A revised landscape plan is required and subject to recommended condition of consent.

### 5.13 – Residential Allotment Layout

#### *General*

A78.1 Minimum standard residential lot size in any residential subdivision is 500m<sup>2</sup>.

Comment: Satisfied, except for proposed Lots 75-76 and 94-95, which meet the criteria of subsection (2) of section 4.1H of SLEP 2014, relating to an exception to minimum subdivision lot sizes for dwelling houses to be constructed on certain land in urban release areas.

A79.2 Lot shape and dimension:

#### **Rectangular non-corner lots**

16m square width minimum

30m minimum depth

#### **Rectangular corner lots**

Square width 20 metres

Depth 30 metres

#### **Irregular shaped lots**

Square width 12m

Width at building line 16m

Mean width 18 m

Depth 30m

#### **Corner Splays** 4m minimum

Comment: Satisfied.

A79.3 Small scale infill subdivision on flood prone land – For small scale infill subdivisions a nominal building envelope of approximately 15m wide and 21m deep, sited in accordance with the requirements of Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures be provided above the 1% flood level on each proposed lot in the subdivision.

Comment: Not applicable.

A79.1 The subdivision lot design positively responds to:

- Slope and desirability of minimising earthworks/retaining walls associated with dwelling construction.
- Natural or cultural features;
- Soil erosion and bushfire risk;
- Special features such as trees and views, including identification of mature stands of trees to be retained and supplementary planting.

Comment: Satisfied. The proposed lot areas and dimensions have taken into account the subject site's natural opportunities and constraints.

A80.1 Each lot is to have coincidental legal and practical access in a rural and/or residential subdivision.

Comment: Satisfied.

*Battle-axe lots*

A81.1 Battle-axe lots to have a minimum lot size of 650m<sup>2</sup>, excluding access handle.

Comment: Satisfied in relation to proposed Lots 1, 4, 5, 8, 9, 12 and 13.

A82.1 Multiple use access corridor as follows:

<b>Access Minimum</b>	<b>No. of Lots</b>	<b>Pavement Width</b>
4.0m	1 to 2	3.0m
6.0m	3 to 6	5.0m

Comment: Subject to recommended conditions of consent.

A83.2 The right of way pavement to be of reinforced concrete for 3 or more lots as detailed in Council's *Engineering Design Specification*, chapter D1.

Comment: Not applicable.

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

Comment: Suitable building area is available on this allotment.

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

Comment: Noted.

## Appendix B – Assessment Checklist: Chapter NB3 - Moss Vale Road South Urban Release Area

### 7.1 – Indicative Layout Plan

#### 7.1.2 Performance Criteria and Acceptable Solutions

A1.1 Development within the URA is in accordance with the ILP (Figure 2).

Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.

Comment: Satisfied. The subdivision is generally in accordance with the ILP.

Further to this, the applicant's following justification for the layout in the submitted Design Verification Statement (dated 16/07/2021) is noted and supported:

*"A bend has been added to streets running east-west and intersecting with the street along the diagonal western boundary. The bend in the street allows the streets to follow the natural lay of the land and meet at an angle of 90 degrees at the intersection allowing for a more suitable T-junction arrangement.*

*The nominated open space is shown in accordance with the DCP. The space has been purchased by Council and is registered as Lot 5 DP 1256748. Council will be responsible for the open space works."*

A1.2 Subdivision must demonstrate consistency with the following of the below residential density targets in relation to the ILP:

- Large Lot Residential: 10-14 dwellings per hectare.
- Standard Lot Residential: 15-20 dwellings per hectare.
- Small Lot Residential and Medium Density/Integrated Housing: 21-35 dwellings per hectare.

Comment: Satisfied.

Council is supportive of the applicant's justification in the submitted Design Verification Statement (dated 16/07/2021):

*"The lot layout provides 4 minimum 400m<sup>2</sup> medium density lots fronting open space to the north portion of the site complying with section 4.1H of the LEP.*

*There are 14 large residential lots south of Road 01 ranging in size (702-937m<sup>2</sup>) achieving a density of 10 lots/ha.*

*There is 1 x large lot 2538m<sup>2</sup> (lot 126) between Lot 101 DP1201921 and Lot 3 DP1128146. This is required due to the constraints of the site layout.*

*There is 1 x large lot 1341m<sup>2</sup> (lot 125), backing onto proposed lots 120 to 124. This is required due to the constraints of the site layout.*

*The remaining 106 lots are standard residential generally, minimum 500m<sup>2</sup>."*

## 7.2 – Staging

### 7.2.2 Performance criteria and acceptable solutions

A2.1 The staging of the URA is undertaken in accordance with Figure 3.

Comment: Satisfied. The subject site lies within Stage 3 of the URA, and the proposed development has been designed to occur following construction of that approved as part of Development Consent SF10632 (as modified) and then Development Consent SF10656.

The development is reliant on access being provided as part of Development Consent SF10656, as shown at Figure 7 below.

The applicant has requested that Council make provision in any consent granted in the event that construction of this development commences prior to legal and practical access being provided to the subject site.





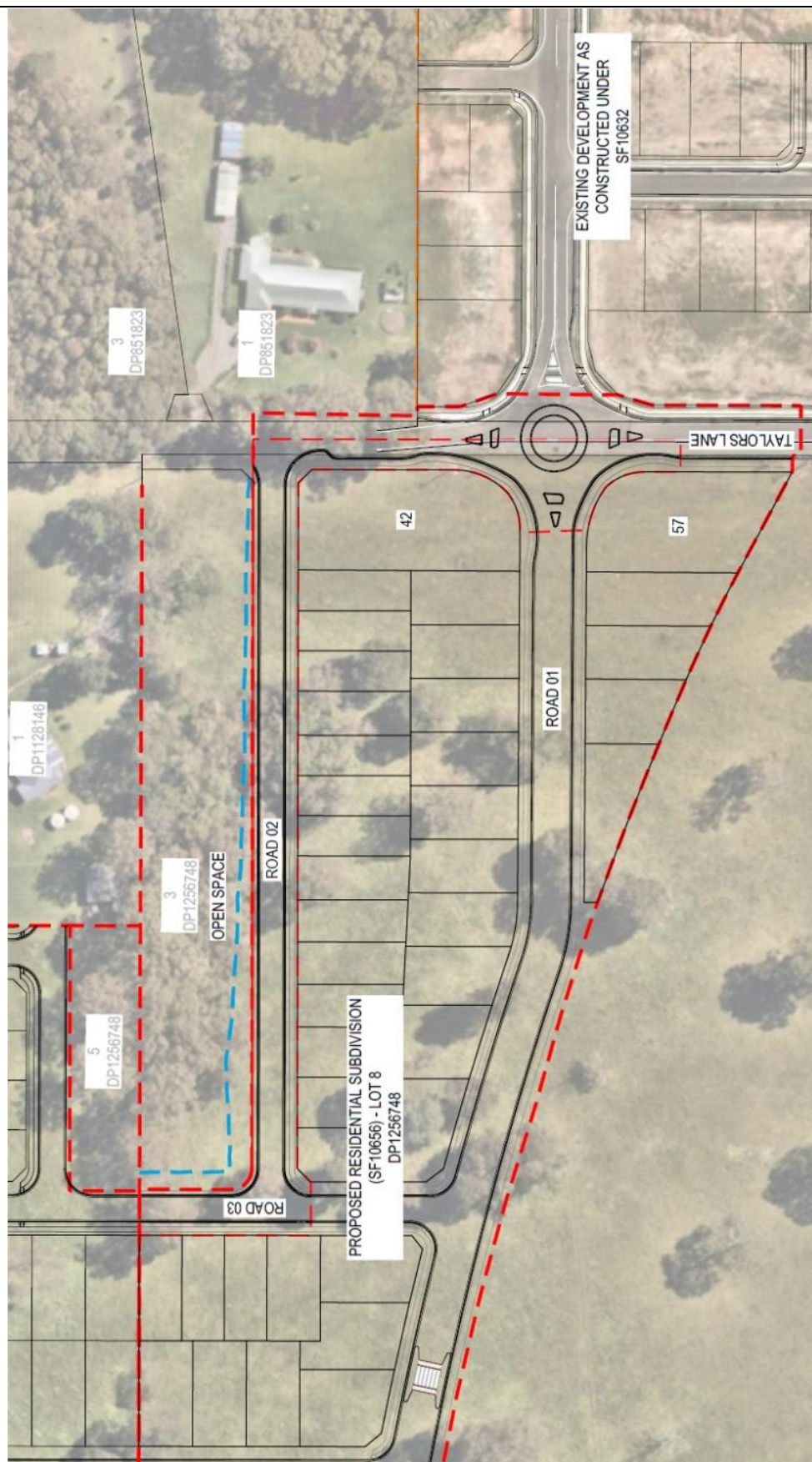


Figure 7 – Excerpts from Taylors Lane Existing Arrangement Plan by Maker ENG (dated 17/03/2022)

The following conditions are considered appropriate following detailed assessment by relevant Council staff.

#### Subdivision Works Certificate

33. *In the event that construction of the development approved under this consent commences prior to legal and practical access being provided to the subject site, the following conditions are to be complied with:*

- a. *Prior to the issue of a Subdivision Works Certificate, evidence that an easement has been registered over the area of Road 01 (up to Road 03) and Road 03, approved as part of Development Consent SF10656, to allow temporary construction access via Lot 8 DP 1256748 from Taylors Lane, must be provided in accordance with Condition 33(b) to the satisfaction of the Certifier.*
- b. *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 temporary construction access design must comply with the following:*
  - i. *Constructed to an all-weather gravel standard including associated drainage. The pavement must be a minimum 6 metres wide including 0.5m shoulders having a compacted pavement depth of 200mm minimum, subject to geotechnical testing based on the expected traffic loading.*
- c. *Prior to the issue of a Subdivision Works Certificate and the commencement of any clearing on Lot 8 DP 1256748, evidence that the biodiversity offset credit obligation required by Development Consent SF10656 has been met, must be provided to Council.*

#### Subdivision Certificate

90. *In the event that construction of the development approved under this consent commences prior to legal and practical access being provided to the subject site, the following condition is to be complied with:*

- a. *Prior to the issue of a Subdivision Certificate, Road 01 (up to Road 03) and Road 03, approved as part of Development Consent SF10656 must be constructed and dedicated as public road.*

A2.2 Sub-stages within the stages identified in Figure 3 is acceptable where infrastructure delivery has not been compromised.

Comment: Noted.

### **7.3 – Subdivision Design**

#### 7.3.2 Mandatory Controls

1) Subdivision applications require the lodgement of a Design Verification Statement in support of the application.

Note: See Section 8.1 of this Chapter for guidelines to preparing a Design Verification Statement.

Comment: Satisfied. A Design Verification Statement has been submitted with the DA that suitably addresses the requirements of the DCP.



2) Lot widths are to be relative to the lot area as per Table 1 below:

**Table 1 - Lot width requirements**

Lot size (m <sup>2</sup> )	Minimum Width (m)
300 – 399	>8 and <12
400 - 499	Equal to or >12 and <15
500+	In accordance with Chapter G11: Subdivision of Land

Comment: Satisfied in relation to proposed Lots 75, 76, 94 and 95.

3) Subdivision of small lots must have varying lot widths. No more than three consecutive lots shall have the same lot width. A minimum variation of 10% of the adjacent lot width is required.

Comment: Satisfied.

4) Street blocks are designed to be rectangular in shape to enable permeability. The length and width of street blocks (excluding road verges) are a maximum of:

- 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located.
- 200m x 70m in all other areas.

Comment: **Non-compliance.** Discussed earlier in the report, the proposed variation is supported on its merits.

5) The subdivision layout is designed to maximise the number of north facing dwellings as per the indicative subdivision patterns demonstrated in Figures 4 to 6. In the case of certain forms of medium density housing and zero-allotments, preference will be given to an east-west orientation in order to maximise solar access along the longest dwelling elevation.

Comment: Satisfied.

6) Subdivision of small lots in accordance with Shoalhaven LEP 2014 must:

- Have a primary street frontage;
- Adjoin land reserved for public open space (either directly or separated by a road) or be located along a tree-lined boulevard; and
- Access is provided via a rear laneway or shared driveway arrangement, except for lots equal to or greater than 400m<sup>2</sup>.

Comment: Satisfied. There are four (4) small lots facing Road 6 opposite land identified for a future public open space.

7) Lots less than 400m<sup>2</sup> include a restriction as to user via a Section 88B instrument that restricts vehicular access from the primary road frontage.

Comment: Not applicable. No >400sqm lots.

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

Comment: Not applicable.

#### 7.3.3 Performance criteria and acceptable solutions

A3.1 The location of zero lot lines are based on orientation and topography. The zero lot line should be located on the most southern side of the lot (refer to Figure 7) to maximise solar access.

Comment: Not applicable.

A3.2 The location of proposed zero lot lines must be demonstrated on the subdivision plan.

Comment: Not applicable.

A4.1 Corner lots shall allow for a minimum splay of 2m x 2m to allow for pedestrian and vehicular sight distance.

Comment: Satisfied. Council's Development Engineer has not raised any concern with regard to this control.

A5.1 Where residential development adjoins public spaces (excluding laneways) the subdivision design enables the configuration of dwellings or other residential accommodation uses to front the public space.

Comment: Satisfied.

A6.1 The street layout enables view lines to be established to open space areas within the URA, and to escarpment and pastoral landscapes beyond the URA as per Figure 8.

Comment: Satisfied.

A6.2 The subdivision layout considers views into the URA from Moss Vale Road, Main Road, Taylors Lane and North Nowra.

Comment: Satisfied.

### 7.4 – Street Network and Hierarchy

#### 7.4.2 Mandatory Controls

1) The street network is to be provided in accordance with Figure 2 and Figure 9. Where a variation to the residential street network is proposed, achievement of the following principles must be demonstrated:

- Establish a defined street hierarchy and permeable street network as per the key development outcomes,
- Encourage walking and cycling by ensuring allotments are within 400m walking distance from the Collector Road,
- Maximise connectivity between residential areas and open space,
- Take account of topography and improve connectivity between significant and remnant vegetation through revegetation,

- Optimise solar access opportunities for dwellings,
- Provide frontage to and maximise surveillance of open space and riparian corridors,
- Provide views and vistas to key landscape features,
- Maximise the use of water sensitive urban design measures,
- Minimise the use of four-way intersections, and
- Minimise the use of cul-de-sacs.

Comment: Satisfied, although variation to the residential street network is proposed, noting the omission of the roundabout at the southern end of the western open space area as indicated by the applicant. The applicant removed the roundabout from the design, as confirmed with Council in a meeting dated 12 August 2020. Council's Development Engineer has raised no concerns in relation to this matter.

2) Streets are designed in accordance with Tables 2 to 6 and Figures 10 to 14. Carriageway widths are measured from lip to lip. Where roads are adjacent to a public open space area, the verge widths may be reduced to a minimum of 1.5m subject to adequate provision of footpaths, utilities, fencing, required Asset Protection Zones or buffers to riparian corridors.

Comment: Satisfied.

3) No direct vehicular access or waste collection is permitted on Tree-lined Boulevards, except for the area to the far-west of the western Collector Road (as illustrated by the dashed line in Figure 9).

Comment: Satisfied.

4) The Collector Road is designed to allow for a future public transport route as per Figure 15.

Comment: Satisfied.

5) All streets must be designed to produce a low speed environment primarily governed by the road geometry, traffic management and calming devices may be considered if required. Such traffic management devices are to be identified at subdivision DA stage.

Comment: Satisfied.

6) Street trees are required on all streets and are to be placed within the verge as per Figures 10 to 14, and Tables 2 to 6. Placement of street trees will consider underground services, driveways and easements in accordance with Figure 16. Street tree species are to be selected from the Moss Vale Road South Species List in order to establish a distinct identity for the URA. Street trees are planted with appropriate root guards to protect underground infrastructure, pathways, kerb and gutters. Street tree planting is alternated with street lighting.

Comment: Subject to condition of consent.

7) Construction of verges provide adequate space for underground service allocation and street trees as per Figure 16.

Comment: Noted.

8) All construction access is to be provided via Moss Vale Road. Taylors Lane will be suitable for use after the completion of the Far North Collector Road project.

Comment: Noted and subject to Transport for NSW recommended conditions of consent.

<b>7.5 – Laneways</b>
<u>Comment:</u> Not applicable. No laneways proposed.
<b>7.6 – Shared Driveways</b>
<u>Comment:</u> Not applicable. No shared driveways proposed.
<b>7.7 – Pedestrian and Cycle Routes</b>
<p>7.7.2 Performance criteria and acceptable solutions</p> <p>A9.1 Shared user paths are located within the verge except for where located within the open space areas as per Figure 18.</p> <p>Note: The location of shared user paths in the verge is to avoid any water supply mains.</p> <p><u>Comment:</u> Satisfied.</p> <p>A9.2 The location of shared user paths in open space areas avoid any existing, established vegetation to ensure retention.</p> <p>Note: The location of shared user paths within open space areas in Figure 18 are indicative only.</p> <p><u>Comment:</u> Satisfied.</p> <p>A9.3 Shared user paths are 2m wide except for the shared path parallel to Moss Vale Road which is to be 2.5m wide.</p> <p>Note: Refer to Section 7.4 of this Chapter for locations and minimum widths.</p> <p><u>Comment:</u> Satisfied.</p> <p>A9.4 Shared user paths are constructed as per Chapter G11: Subdivision of Land.</p> <p><u>Comment:</u> Satisfied.</p>
<b>7.8 – Open Space System</b>
<p>7.8.2 Performance criteria and acceptable solutions</p> <p>A10.1 Open spaces areas are located in accordance with the ILP at Figure 2.</p> <p><u>Comment:</u> Satisfied.</p> <p>It is noted that the open spaces in the URA are contributions projects, as such delivery is generally dependent on the timing of development. Council acquired the reserves upfront and is preparing an open space masterplan with funding from the Low Cost Loan Initiative with completion due in the second half of 2022. The detailed design and embellishment of reserves will be development dependent or alternatively, may be undertaken by Council using further grant opportunities.</p> <p>Further to this, a masterplan design for the URA has been put on hold pending the receipt from property owners/developers of post road layout and road reserve construction WAE survey detail</p>

plans. This information is required to ensure design work is consistent with boundaries, finished ground levels, existing tree retention and drainage solutions.

It is intended that the landscape masterplan will provide indicative recreational and play embellishments and show how the open space area is integral to the entire URA and not specific stages or super lot developments.

Where super lots within URA are being constructed and the developer intends to install play facilities the masterplan will provide guidance on the look and feel of the recreational areas.

Upon completion of the overall masterplan for the URA, more detailed design plans for play structures, linkage pathways, landscape and access to WSUD features will be developed. It is intended that Council will be responsible for implementing the vision of the masterplan and subsequent detailed design and the installation of the works for all but subdivisions where private works is indicated.

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

Comment: As indicated above, embellishment of open space areas is not proposed as part of this application.

A10.3 The open spaces act as gateways marking connections and transitions to adjoining areas.

Comment: Noted.

A10.4 Open space areas are provided in accordance with Chapter G11: Subdivision of Land.

Comment: Satisfied.

A11.1 Significant areas of natural and environmental value are retained, enhanced and incorporated into the open space network.

Comment: Satisfied.

## 7.9 – Landscape Strategy

A12.1 A landscape strategy, prepared by a suitably qualified person, is submitted at the subdivision DA stage. The landscape strategy is to include as a minimum:

- Landscape Plan as per Chapter G3: Landscaping Design Guidelines;
- Entry treatment (only for stages that include entry from Moss Vale Road and Taylors Lane);
- Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- Protection of remnant vegetation and established trees primarily in the public domain (as per Figure 19);
- Protection of riparian corridors (See P15 and A15.1 below);
- Provision of landmark tree planting along the two tree-lined boulevards;
- Establishment of a street lighting and furniture palette;
- Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;
- Deep soil planting to enable a substantial tree cover to be created over time;
- Removal of existing noxious and environmental weed species; and

- Rehabilitation of E3 Environmental Management zones.

Comment: Subject to a condition of consent (see proposed condition 25) as only a landscape plan has been provided with this application. It is noted that this plan was provided with the original application and has not been revised to reflect the latest design.

A12.2 Provision of landscaping does not impact sight distances for traffic and pedestrians. Minimum safe sight distances must be maintained.

Comment: Noted.

A13.1 Landscaping is designed in consideration of existing established trees through their retention in the public domain, including road reserves and open spaces. Sufficient space around existing established trees is provided to minimise potential hazards to structures.

Comment: Noted. However, as detailed earlier in this report, the subject site will be cleared in its entirety. Any established trees within the site are unable to be retained.

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

Comment: Satisfied. The submitted BDAR has considered this matter.

## 7.10 – Environment

### 7.10.2 Performance criteria and acceptable solutions

A14.1 Significant and remnant vegetation (including native vegetation) within the public domain, including in open space areas, is retained and opportunities for enhancement are included.

Note: Threatened species have been identified in this URA. A comprehensive Flora & Fauna assessment is to be prepared by a suitably qualified and experienced person and is to include an analysis of constraints and opportunities, identify/map areas for rehabilitation and assessment to consider any trees for removal for risk and safe useful life expectance.

Comment: Satisfied, subject to recommended conditions of consent.

It is noted that the provisions of this solution (and other solutions within this section) have been appropriately addressed. As detailed earlier in this report, a BDAR has been submitted as part of this application.

As stated in the BDAR:

*“While it has been assessed that the Subject Land will be cleared in its entirety, additional avoidance and mitigation measures will be undertaken to reduce the severity of these impacts on the local biodiversity. These measures include an ecologist pre-clearance survey, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase.”*

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

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

Comment: Satisfied (as above).

A15.1 Continuous riparian zones are provided along Bomaderry Creek, Good Dog Creek and unnamed creek.

Comment: Satisfied, subject to recommended conditions of consent.

A15.2 Riparian zones and associated buffers are to be retained and enhanced using local native species to improve the ecological functions of the watercourses.

Comment: Satisfied, subject to recommended conditions of consent.

A15.3 Buffers are vegetated to protect the integrity of the riparian zone from weed invasion, littering, sedimentation, erosion control pollution and impacts of climate change.

Comment: Satisfied, subject to recommended conditions of consent.

A15.4 Fencing within riparian corridors are minimised and across watercourses is not permitted. Where fencing is required for safety purposes, the design must allow terrestrial and aquatic fauna to pass through.

Comment: Satisfied, subject to recommended conditions of consent.

A16.1 An Aboriginal Cultural Heritage Assessment is submitted at the subdivision DA stage.

Comment: Satisfied.

A16.2 Where culturally appropriate and acceptable any Aboriginal cultural heritage identified through the Aboriginal Cultural Heritage Assessment is used to develop interpretive signage to be located in the public spaces of the URA.

Comment: Not applicable.

## **7.11 – Stormwater Management and Flood Minimisation**

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

### **7.11.2 Performance criteria and acceptable solutions**

A17.1 Development Applications must be supported by a Concept Stormwater Plan. The Concept Stormwater Plan must demonstrate:



- WSUD principles (including on-site stormwater detention/retention) as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.
- Stormwater management primarily within the street network.

Comment: Satisfied.

It is noted that the provisions of this solution (and other solutions within this section) have been appropriately addressed.

No concerns or objections were raised by Council's Development Engineer with the submitted stormwater management details subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

A17.2 Stormwater management is to be designed and implemented within the URA boundaries unless the following can be demonstrated:

- suitable topography;
- good access to the WSUD/drainage infrastructure;
- ability to be combined with an adjacent WSUD element;
- ensure that flow rates and water quality do not adversely impact the waterway reach from the site to the offsite WSUD element; and
- WSUD element is increased in size to cater for the additional catchment.

Comment: Satisfied.

A17.3 WSUD measures are operational no earlier than 90% completion to avoid any bio-retention/filtration basins or wetlands being compromised.

Comment: Satisfied.

A18.1 'Minor' flows are managed using piped systems for the 18.13% Annual Exceedance Probability (AEP) (5 year Average Recurrence Interval) (residential accommodation) and 10% AEP (10 year Average Recurrence Interval) (mixed use development/commercial premises). Management measures shall be designed to:

- control stormwater to minimise localised flooding and reduce nuisance flows;
- provide sufficient on-site storage to match pre peak flow rates for the 50% AEP (1.5 year), 18.13% AEP (5 year) and 5% AEP (20 year) rain events;
- ensure that the duration of stream forming flows are no greater than 2 times the pre-development duration of stream forming flows at the site discharge point;
- encourage the installation of rainwater tanks for residential accommodation that meet a portion of supply such as outdoor use, toilets, laundry;
- capture and retain a high level of urban water run-off pollutants to protect local watercourses;
- include sufficient WSUD elements to achieve the water quality targets listed in the table below.

Pollutant	Reduction
Gross pollutants	90%
Total Suspended Solids	85%
Total Phosphorus	65%
Total Nitrogen	45%
Total Hydrocarbons	0%

Comment: Satisfied.

A18.2 Major 'flows' are managed using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 18.13% AEP (5 year Average Recurrence Interval). Management measures shall be designed to:

- prevent both short term and long term inundation of habitable dwellings;
- control localised flooding from storm events to maintain access to lots, maintain the stability of the land form and to control erosion;
- habitable floor levels to have a minimum of 0.5m freeboard above the 1% AEP (100 year) flood level;
- ensure that any proposed filling does not cause unacceptable afflux to adjacent properties for all events up to and including the probable maximum flood;
- provide for the orderly and safe evacuation of people away from rising floodwaters by providing reliable access ensuring that the water depth – velocity product is no greater than 0.3m<sup>2</sup>/s for events up to 1% AEP (100 year) storm;
- provide sufficient on-site storage to match pre development peak flow rates for the 1% AEP (100 year) rain event. This will be achieved using detention storage within water quality features and detention basins.

Comment: Satisfied.

A18.3 Management measures for minor and major flows (including WSUD elements) must not result in obstruction/redirection of flood waters as per Chapter G9: Development on Flood Prone Land.

Comment: Satisfied.

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

Comment: Satisfied.

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

Comment: Satisfied.

<b>7.12 – Residential Development</b>
<u>Comment:</u> Not applicable. Only subdivision proposed.
<b>7.13 – Fencing</b>
<u>Comment:</u> Not applicable. No fencing proposed.
<b>8.1 – Information required with subdivision applications</b>
<p>Subdivision Plans</p> <p>Must demonstrate the location of proposed or potential zero-allotments.</p> <p><u>Comment:</u> Not applicable.</p> <p>Staging Plans</p> <p>All subdivision applications must demonstrate consistency with the indicative staging plan at Figure 3 in this DCP Chapter. Staging plans must identify the indicative dwelling yield and provision of infrastructure to be delivered for that stage of the development.</p> <p><u>Comment:</u> Satisfied.</p> <p>Design Verification Statement (DVS)</p> <p>A DVS is a document that provides clear and sound reasoning on how the proposed development meets the relevant objectives, performance criteria and acceptable solutions of this Chapter. A DVS is required to support a subdivision DA which includes small lots as per Shoalhaven LEP 2014. The DVS must include but is not limited to:</p> <ul style="list-style-type: none"> <li>• A description of the proposed development (except for where the DVS is contained within a Statement of Environmental Effects).</li> <li>• A robust explanation of the design of the subdivision and how it meets the individual key development outcomes (refer to Section 6 of this Chapter).</li> <li>• Identify and justify any variations to the ILP.</li> </ul> <p><u>Comment:</u> Satisfied.</p>