

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

COUNCIL ASSESSMENT REPORT

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

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

1. Executive Summary

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

The site is located in the following land parcels:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Detailed Proposal

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

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

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

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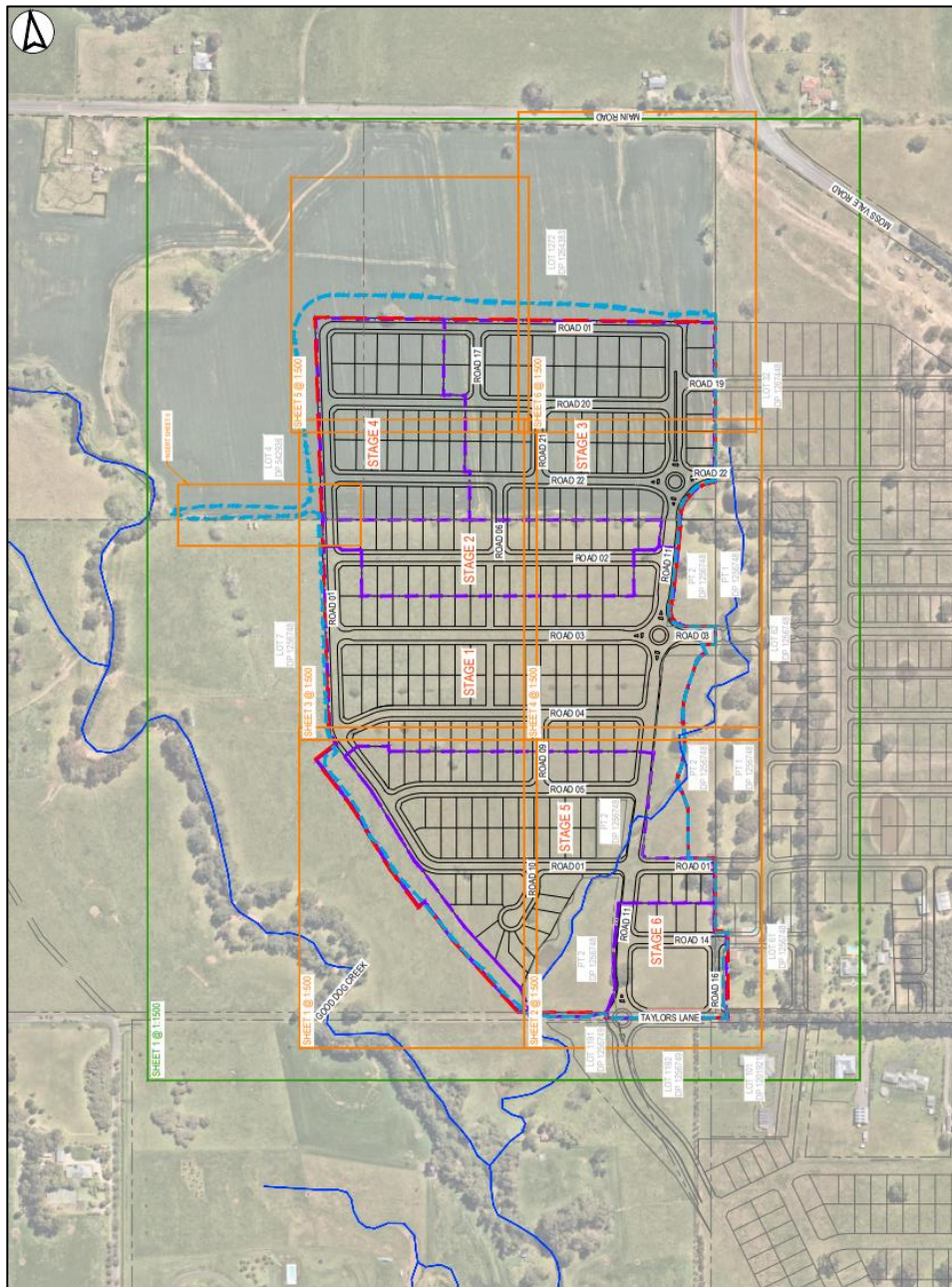


Figure 1 - Key Plan by Maker ENG (dated 16 September 2022)

3. Subject Site and Surrounds

Site Description

The subject site:

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

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Figure 2 - Subject Site and Lots

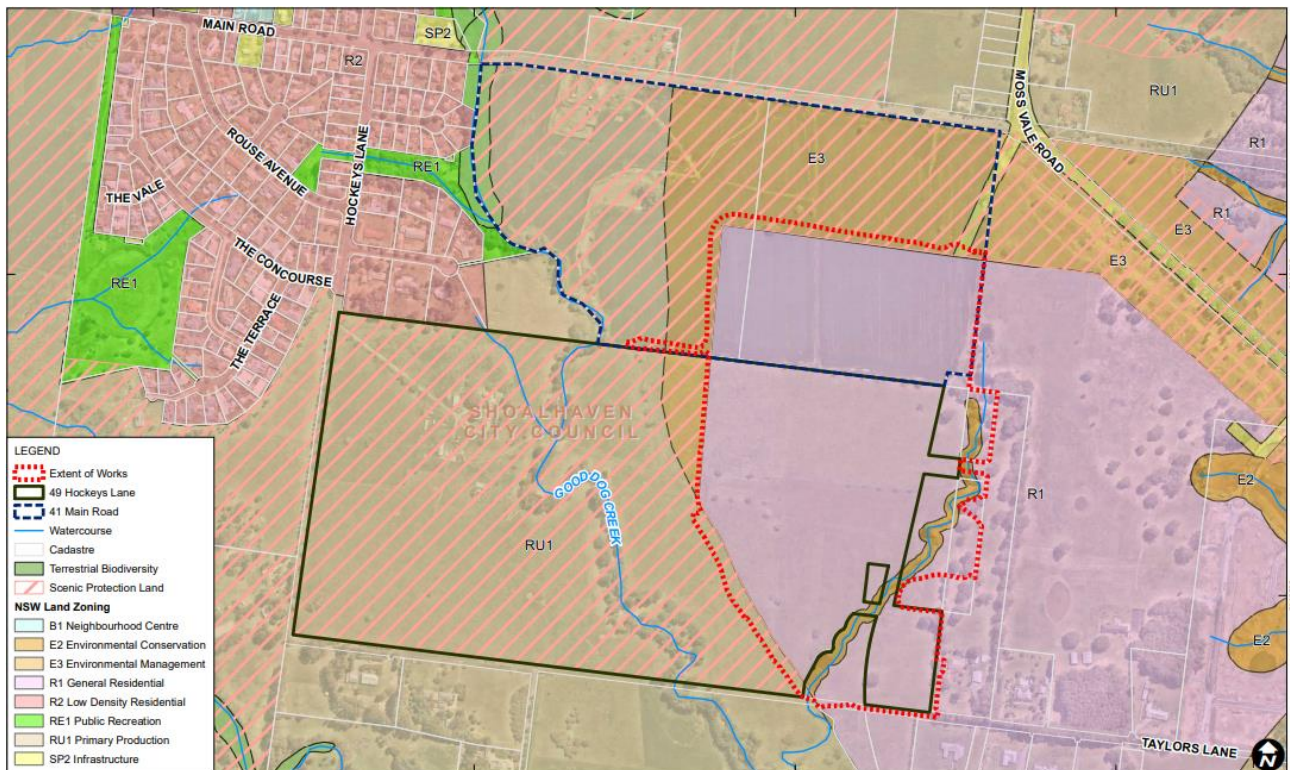


Figure 3 - Zoning Map

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4. Previous Approvals

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

5. Background

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

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

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

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

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

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

6. Consultation and Referrals

Internal Referrals

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

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

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

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

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

External Referrals

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

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Endeavour Energy	No objections subject to recommendations and comments (dated 24/12/2021)	Conditions and advisory note to be imposed.
DPE	<p>The Illawarra Shoalhaven SIC is applicable to the site.</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.

7. Other Approvals

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

8. Statutory Considerations

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

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

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

9. Statement of Compliance/Assessment

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

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

i) Environmental Planning and Assessment Act 1979

Section 1.7 - Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

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

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

- The thresholds under s.7.1 of the Regulation are exceeded;
 - The clearing of native vegetation of an area declared by cl. 7.2
 - The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)
- A proposed development is likely to significantly affect threatened species based on the Test of Significance in section 7.3 of the Act
 - Area of clearing;
 - Biodiversity Values Map and Threshold Tool; and
 - Test of significance.

The proposed area of clearing is based off the minimum lot size. The minimum lot size for the subject site is 500m². Reference to the clearing thresholds provided under s.7.1 of the Regulation the clearing threshold is 0.25ha. The clearing required for the proposed development is 1.91ha which exceeds the clearing threshold.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As stated in the BDAR:

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

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

Section 1.7 – Fisheries Management Act 1994

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

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Section 4.46 – Integrated Development

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

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

Section 7.11 – Developer Contributions: Shoalhaven Contribution Plan 2019

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

The number of proposed lots for this calculation is 256.

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

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

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

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

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Subdivision

	Existing	Proposed
Lots	1	70
Total ET		69
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62	69	\$50,895.78	\$0.00	\$50,895.78
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04	69	\$39,470.76	\$0.00	\$39,470.76
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15	69	\$53,278.35	\$0.00	\$53,278.35
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$31.58	69	\$2,179.02	\$0.00	\$2,179.02
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50	69	\$236,980.50	\$0.00	\$236,980.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94	69	\$763,066.86	\$0.00	\$763,066.86
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29	69	\$402,566.01	\$0.00	\$402,566.01
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08	69	\$140,420.52	\$0.00	\$140,420.52
CWCFC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08	69	\$106,127.52	\$0.00	\$106,127.52
CWCFC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90	69	\$93,074.10	\$0.00	\$93,074.10
CWCFC5007	Shoalhaven Regional Gallery	\$74.05	69	\$5,109.45	\$0.00	\$5,109.45
CWFIRE2001	Citywide Fire & Emergency services	\$145.50	69	\$10,039.50	\$0.00	\$10,039.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86	69	\$14,687.34	\$0.00	\$14,687.34
CWMGMT3001	Contributions Management & Administration	\$605.06	69	\$41,749.14	\$0.00	\$41,749.14

Sub Total: \$1,959,644.85
 GST Total: \$0.00
 Estimate Total: \$1,959,644.85

Stage 2: 35 residential allotments

Subdivision

	Existing	Proposed
Lots	0	35
Total ET		35
		0

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

Sub Total: \$994,022.75
GST Total: \$0.00
Estimate Total: \$994,022.75

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

Subdivision

	Existing	Proposed
Lots	1	56
Total ET		55
		0

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

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CW FIRE 2001	Citywide Fire & Emergency services	\$145.50	55	\$8,002.50	\$0.00	\$8,002.50
CW FIRE 2002	Shoalhaven Fire Control Centre	\$212.86	55	\$11,707.30	\$0.00	\$11,707.30
CW MGMT 3001	Contributions Management & Administration	\$605.06	55	\$33,278.30	\$0.00	\$33,278.30

Sub Total: \$1,562,035.75
GST Total: \$0.00
Estimate Total: \$1,562,035.75

Stage 4: 34 residential allotments

Subdivision

	Existing	Proposed
Lots	0	34
Total ET		34
		0

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

Sub Total: \$965,622.10
GST Total: \$0.00
Estimate Total: \$965,622.10

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Stage 5: 56 residential allotments

Subdivision

	Existing	Proposed
Lots	0	56
Total ET		56
		0

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

Sub Total: \$1,590,436.40
 GST Total: \$0.00
 Estimate Total: \$1,590,436.40

Stage 6: Five residential allotments

Subdivision

	Existing	Proposed
Lots	0	5
Total ET		5
		0

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

Sub Total: \$142,003.25
 GST Total: \$0.00
 Estimate Total: \$142,003.25

ii) Environmental Planning Instruments

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

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

State Environmental Planning Policy (Planning Systems) 2021

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

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

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

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State Environmental Planning Policy (Resilience and Hazards) 2021

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

Question	Yes		No	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3		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"> ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone 		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	X	Proceed to Question 5		Proposal satisfactory under SEPP and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	X	Request contaminated site assessment		Proposal satisfactory under SEPP and DCP.

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

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

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

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State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48(1)(b)(iii) (formerly clause 45(1)(b)(iii) of SEPP (Infrastructure) 2007) is applicable and the application referred to the *electricity supply authority for the area* (Endeavour Energy) on 23/12/2021 as required for comment. A response was provided (as detailed under the 'Referrals' section of this report) and has been considered.

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

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

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

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

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

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

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Shoalhaven LEP 2014

Land Zoning

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

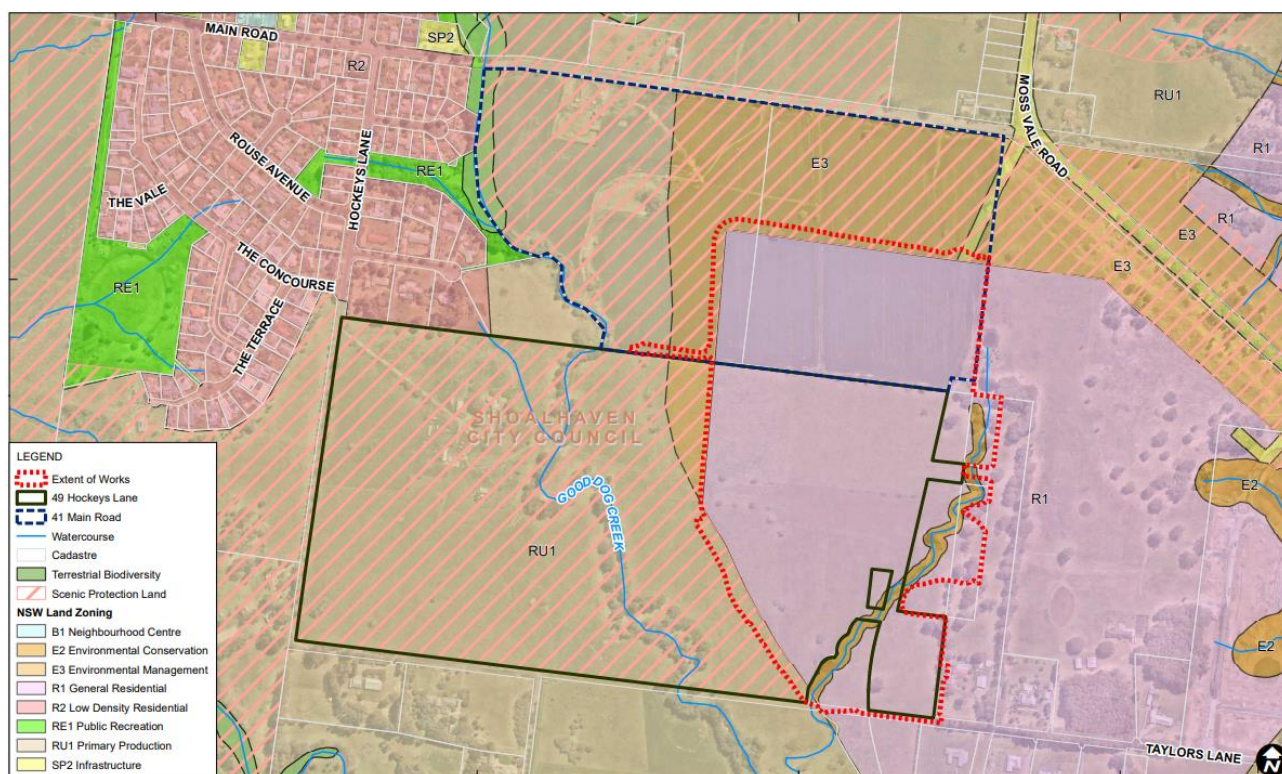


Figure 4 - Shoalhaven LEP 2014 zoning map excerpt

Characterisation and Permissibility

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

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

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

Section 2.3 - Zone objectives

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

The objectives of the R1 General Residential zone are:

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

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

The objectives of the C3 Environmental Management zone are:

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

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

The objectives of the C2 Environmental Conservation zone are:

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

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

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

The objectives of the RU1 Primary Production zone are:

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

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

SLEP 2014 Sections

Section	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		
2.6 Subdivision – Consent requirements	Consent sought as part of this application. Torrens Title subdivision proposed.	Yes
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	All proposed residential allotments except for Lot 752-755 (as subject to the provisions of section 4.1H) meet the minimum lot size of 500sqm.	Yes
4.1E Minimum lot size for certain split zone lots	While there are split zone lot/s, the proposal is not reliant on this section - refer to section 6.5 below.	N/A
4.1H Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses on certain land in Moss Vale Road South urban release area	<p>This section applies as part of the subject land is identified as “Clause 4.1H” on the Lot Size Map.</p> <p>Despite the provisions of section 4.1(3) of this Plan, subdivision within this area is permitted to result in lots less than 500sqm in area, provided they meet the following requirements under subsection (2):</p> <p><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 752-755 are applicable and less than 500sqm in area. They meet the criteria of subsection (2)</p>	Yes

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

residential environment protection zones	or		
5.21 Flood planning		<p>Council's Floodplain & Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 17/10/2022).</p> <p>Council's Flood Engineer identifies the site to comprise mainly of Low Hazard Flood Fringe areas and some Low Hazard Flood Storage areas during a 1% AEP event. High Hazard Floodway and Low Hazard Flood way have been mapped within the minor tributary to Good Dog Creek draining through the proposed development.</p> <p>The latest IWCMS Report (October 2022) includes precinct wide on-site detention and additional detention on residential lots through larger rainwater tanks. As a result, the 1% AEP inundation extent within the proposed development has reduced compared to what was reported in the IWCMS Report in September.</p> <p>The Flood Impact Assessment states that overtopping of the roadway from the wetland occurs for all events due to minimal depth available within the wetland.</p> <p>Council's Flood Engineer states:</p> <p><i>As the stormwater pipes from the wetlands should be designed to cater for a 1% AEP storm event (being a major drainage system) and the additional detention capacity across the site should be able to adequately attenuate the flow to prevent overtopping of the roads for the design event, it should be possible to mitigate the current inundation extent to acceptable levels. Furthermore, Council requires all new roads in a subdivision to be flood free during a 1% AEP event.</i></p> <p>No concerns or objections were raised by Council's Flood Engineer, subject to recommended conditions of consent.</p> <p>The provisions of subsection (2) have been satisfied and the provisions of subsection (3) have been considered.</p>	Yes
Part 6 Urban release areas			
6.1 Arrangements for designated State public infrastructure		<p>Subsection (4) specifies that this section does not apply to land in an urban release area if all or any part of the land is in a special contributions area, as is the case for this application.</p> <p>The proposal is located in the Nowra Bomaderry Growth Area and the Illawarra Shoalhaven SIC is applicable.</p>	Yes

	<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>	
6.2 Public infrastructure utility	Satisfied. Public utility infrastructure essential for the development is either available or adequate arrangements have been made to make that infrastructure available when required.	Yes
6.3 Development control plan	Satisfied. Chapter NB3 of SDCP 2014 has been prepared.	Yes
6.5 Exceptions to minimum lot size—subdivision of land in approved land use zones	<p>This section applies as the original lot (subject site) is in an urban release area and comprises land in the approved land use zones, being the RU1, C2 and C3 zones.</p> <p>Development consent may be granted to create a residual lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to the land comprising the residual lot if the residual lot is wholly within an approved land use zone.</p> <p>The proposal results in residual lots in RU1, C2 and C3 zones which are less than the minimum lot size. An exception to the minimum lot size is supported in this instance in accordance with section 6.5 of the SLEP 2014.</p>	Yes
Part 7 Additional local provision		
7.1 Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the watertable. Accordingly, an acid sulfate soils management plan is not required.	N/A
7.2 Earthworks	<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
7.6 Riparian land and watercourses	<p>An unnamed creek, identified as “Watercourse Category 3”, traverses the eastern section of the site.</p> <p>Good Dog Creek, identified as “Watercourse Category 1”, is located within 50m of the proposed bypass channel in the western portion of the site.</p>	Yes

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

iii) Draft Environmental Planning Instrument

Not applicable.

iv) Any Development Control Plan

Shoalhaven DCP 2014

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

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

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<p>The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended conditions of consent.</p> <p>Council's Environmental Assessment Officer recommended the retention of T29 and T30 where possible. These trees are both indicated as hollow bearing trees within the BDAR.</p>
<p>G5: Biodiversity Impact Assessment</p> <p>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).</p> <p>The Plans illustrate that the excavation for the bypass channel will encroach into the 50m riparian zone of Good Dog Creek. To comply with the NRAR guidelines for controlled activity approval, the works should not occur within the inner riparian zone. This is to be addressed with the detailed plans prior to subdivision works certificate.</p> <p>A Vegetation Management Plan (VMP) will also be required for works within 40m of Good Dog Creek as part of a controlled activity approval.</p>
<p>G7: Waste Minimisation and Management Controls</p> <p>A Waste Management Plan (WMP) was provided by the Applicant. All waste is to be removed to an authorized waste disposal facility. conditions of consent being imposed.</p>
<p>G9: Development on Flood Prone Land</p> <p>The provisions of this chapter have been considered and Council's Flood Engineers have raised no objections in relation to flooding and Water Sensitive Urban Design (WSUD), subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p>
<p>G11: Subdivision of Land</p> <p>The development generally complies with the provisions of this chapter (refer to Appendix A).</p>
<p>NB3: Moss Vale Road South Urban Release Area</p> <p>The development generally complies with the provisions of this chapter (refer to Appendix B) with the exception of the following non-compliances.</p> <p>There is a non-compliance with Mandatory Control (3) of Section 7.3 Subdivision Design and the lot widths. Irregular shaped lots with a size of 500sqm or more are to have the following shape and dimension in accordance with Chapter G11: Subdivision of Land:</p> <ul style="list-style-type: none"> ▪ <i>Square width 12m</i> ▪ <i>Width at building line 16m</i> ▪ <i>Mean width 18m</i> ▪ <i>Depth 30m</i> <p>Some irregular shaped lots have been identified to exhibit a mean width of less than 18m.</p>

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

Accordingly, this variation can be supported by Council.

The street block length encompassing Lots 715-737 and Part Lot 2 DP 1256748 is approximately 237m long (as indicated by the applicant).

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

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

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

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

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

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

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

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

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

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

Council's Development Engineer stated:

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

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

Accordingly, the proposed cross section for the Collector Road can be supported by Council.

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

No

iv) Environmental Planning and Assessment Regulation 2021

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

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

v) REPEALED

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

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

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

(c) Suitability of the site for the development

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

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

The DA was first notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on 12/01/2022 – 11/02/2022.

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

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

	Council's Local Strategic Planning Statement (LSPS) also states that Council are investigating opportunities to increase dwelling supply to take advantage of existing and planned infrastructure and reduce development pressure on sensitive land in the area.
Impacts to rural amenity and setting of Cambewarra Village	<p>Under Council's DCP Chapter NB3, the Moss Vale Road South Urban Release Area is envisaged to <i>"become an urban area that complements its natural environment by building on significant assets including riparian corridors and elaborate views of natural features including creeks, sylvan backdrops and pastoral landscapes"</i>.</p> <p>While Cambewarra Village will remain a low density residential village, the URA is zoned to provide for a variety of housing types and densities. The rural pastoral landscapes surrounding Good Dog Creek and natural topography will be retained to the west of the site, which will preserve the scenic value of the land when viewed from the Cambewarra Village.</p>
Impacts to local wildlife and environment, noting particularly Powerful Owl, Pink Robin, Square tailed Kite or the White Throated Needle tails, Gang Gang cockatoos, Peregrine falcons, Wedge Tailed Eagles, migratory Dollarbirds all of which have frequently visit the site over the last 40 years	The BDAR identified the site to be a suitable habitat for species including Glossy Black-Cockatoo, Gang-gang Cockatoo, Large-eared Pied Bat, Southern Myotis, Powerful Owl and Masked Owl. A number of mitigation measures have been recommended in the BDAR to manage the impact, including a site ecologist pre-clearance survey, Micro-bat Management Plan, Vegetation Management Plan, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase.
Lack of shared bike/footpaths and recreational areas	Shared paths will be provided on Road 11 / Collector Road in accordance with the DCP Chapter NB3.
The majority of this development is situated in a flood zone requiring significant earthworks and remedial works to correct, altering the natural water courses and local wildlife habitats and exacerbating flooding of Main Road	<p>The stormwater pipes from the wetlands will be designed to cater for a 1% AEP storm event (being a major drainage system) and the additional detention capacity across the site will be required to be able to adequately attenuate the flow to prevent overtopping of the roads for the design event.</p> <p>All new roads are also required to be flood free during a 1% AEP event. This will be imposed as part of the conditions of consent.</p> <p>Council's Flood Engineer considers the proposed development to be compliant with the DCP Chapter G9: Development on Flood Prone Land, subject to recommended conditions of consent being imposed.</p> <p>Council's Environmental Health Officer indicated that the proposed diversion and piping of natural waterway on the site</p>

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

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

(e) The Public Interest

The proposed development generally complies with the provisions of SLEP 2014 and is broadly consistent with the SDCP 2014 (albeit for the minor variations to some development controls under Section 7.3 and 7.4 of Chapter NB3). Subject to conditions of consent the development is not expected to have any unacceptable negative impacts on the environment, or the amenity of the locality as detailed in this report warranting refusal of the development.

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

10. Delegations

Guidelines for use of Delegated Authority

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

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

11. Recommendation

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

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

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

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. As such, it is recommended that Development Application No. RA21/1003 be approved subject to appropriate conditions of consent.

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: Satisfied subject to condition of consent.

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

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

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

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

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

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

Comment: Not applicable.

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

Comment: Not applicable.

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

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

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

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

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 set of landscape plans has been provided and no concerns or objections were raised subject to recommended condition of consent.

5.13 – Residential Allotment Layout

General

A78.1 Minimum standard residential lot size in any residential subdivision is 500m².

Comment: Satisfied, except for proposed Lots 752-755, which meet the criteria of subsection (2) of section 4.1H of SLEP 2014, relating to an exception to minimum subdivision lot sizes for dwelling houses to be constructed on certain land in urban release areas.

A79.2 Lot shape and dimension:

Rectangular non-corner lots

16m square width minimum
30m minimum depth

Rectangular corner lots

Square width 20 metres
Depth 30 metres

Irregular shaped lots

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

Corner Splays

4m minimum

Comment: Satisfied, except of certain irregular shaped lots which exhibit minor variations to the dimension requirements. The variations are considered acceptable as assessed earlier in this report.

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

Comment: Not applicable.

A79.1 The subdivision lot design positively responds to:

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

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

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

Comment: Satisfied.

Battle-axe lots

A81.1 Battle-axe lots to have a minimum lot size of 650m², excluding access handle.

Comment: Not applicable.

A82.1 Multiple use access corridor as follows:

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

Comment: Not applicable.

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

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Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: Not applicable.

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

7.1 – Indicative Layout Plan

7.1.2 Performance Criteria and Acceptable Solutions

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

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

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

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

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

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

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

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

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

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

7.2 – Staging

7.2.2 Performance criteria and acceptable solutions

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

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

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

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



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

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

Comment: Noted.

7.3 – Subdivision Design

7.3.2 Mandatory Controls

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

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

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

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

Table 1 - Lot width requirements

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

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

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

Comment: Satisfied.

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

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

Comment: **Non-compliance.** Discussed in DCP Section of the Development Assessment Report. The proposed variation is supported on its merits.

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

Comment: Satisfied.

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

- Have a primary street frontage;
- Adjoin land reserved for public open space (either directly or separated by a road) or be located along a tree-lined boulevard; and
- Access is provided via a rear laneway or shared driveway arrangement, except for lots equal to or greater than 400m².

Comment: Satisfied. No lots less than 400m² are proposed.

7) Lots less than 400m² include a restriction as to user via a Section 88B instrument that restricts vehicular access from the primary road frontage.

Comment: Not applicable. No lots are less than 400m².

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

Comment: Not applicable.

7.3.3 Performance criteria and acceptable solutions

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

Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: Satisfied. Council's Development Engineer has not raised any concern or objection subject to recommended conditions of consent being imposed.

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

Comment: Satisfied.

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

Comment: Satisfied.

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

Comment: Satisfied.

7.4 – Street Network and Hierarchy

7.4.2 Mandatory Controls

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

- Establish a defined street hierarchy and permeable street network as per the key development outcomes,

- Encourage walking and cycling by ensuring allotments are within 400m walking distance from the Collector Road,
- Maximise connectivity between residential areas and open space,
- Take account of topography and improve connectivity between significant and remnant vegetation through revegetation,
- Optimise solar access opportunities for dwellings,
- Provide frontage to and maximise surveillance of open space and riparian corridors,
- Provide views and vistas to key landscape features,
- Maximise the use of water sensitive urban design measures,
- Minimise the use of four-way intersections, and
- Minimise the use of cul-de-sacs.

Comment: Satisfied, although variation to the residential street network is proposed, noting the additional perimeter to the north of the proposed large lot residential lots and the location of the local streets as indicated in the plans. Council's Development Engineer has reviewed and accepted the proposed road layout.

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

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

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

Comment: Satisfied.

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

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

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

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

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

Comment: Satisfied, subject to condition of consent.

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

Comment: Noted.

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

Comment: Noted and subject to City Futures' Officer recommended conditions of consent.

7.5 – Laneways

Comment: Not applicable. No laneways proposed.

7.6 – Shared Driveways

Comment: Not applicable. No shared driveways proposed.

7.7 – Pedestrian and Cycle Routes

7.7.2 Performance criteria and acceptable solutions

A9.1 Shared user paths are located within the verge except for where located within the open space areas as per Figure 18.

Note: The location of shared user paths in the verge is to avoid any water supply mains.

Comment: Satisfied, subject to conditions of consent.

A9.2 The location of shared user paths in open space areas avoid any existing, established vegetation to ensure retention.

Note: The location of shared user paths within open space areas in Figure 18 are indicative only.

Comment: Satisfied, subject to conditions of consent.

A9.3 Shared user paths are 2m wide except for the shared path parallel to Moss Vale Road which is to be 2.5m wide.

Note: Refer to Section 7.4 of this Chapter for locations and minimum widths.

Comment: Not applicable.

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

Comment: Satisfied, subject to conditions of consent.

7.8 – Open Space System

7.8.2 Performance criteria and acceptable solutions

A10.1 Open spaces areas are located in accordance with the ILP at Figure 2.

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

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

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

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

Comment: Noted.

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

Comment: Satisfied.

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

Comment: Satisfied.

7.9 – Landscape Strategy

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

- Landscape Plan as per Chapter G3: Landscaping Design Guidelines;
- Entry treatment (only for stages that include entry from Moss Vale Road and Taylors Lane);
- Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- Protection of remnant vegetation and established trees primarily in the public domain (as per Figure 19);
- Protection of riparian corridors (See P15 and A15.1 below);
- Provision of landmark tree planting along the two tree-lined boulevards;
- Establishment of a street lighting and furniture palette;
- Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;
- Deep soil planting to enable a substantial tree cover to be created over time;
- Removal of existing noxious and environmental weed species; and
- Rehabilitation of E3 Environmental Management zones.

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

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

Comment: Noted.

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

Comment: Noted.

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

Comment: Satisfied. The submitted Aboricultural Development Assessment Report has considered this matter.

7.10 – Environment

7.10.2 Performance criteria and acceptable solutions

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

Note: Threatened species have been identified in this URA. A comprehensive Flora & Fauna assessment is to be prepared by a suitably qualified and experienced person and is to include an analysis of constraints and opportunities, identify/map areas for rehabilitation and assessment to consider any trees for removal for risk and safe useful life 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 a site ecologist pre-clearance survey, Micro-bat Management Plan (MMP), Vegetation Management Plan (VMP), felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan (CEMP) will also be prepared to ensure no further impact during the construction phase.”

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

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

Comment: Satisfied (as above).

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

Comment: Satisfied, subject to recommended conditions of consent.

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

Comment: Satisfied, subject to recommended conditions of consent.

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

Comment: Satisfied, subject to recommended conditions of consent.

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

Comment: Satisfied, subject to recommended conditions of consent.

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

Comment: Satisfied.

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

Comment: Not applicable.

7.11 – Stormwater Management and Flood Minimisation

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

7.11.2 Performance criteria and acceptable solutions

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

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

Comment: Satisfied, subject to conditions of consent.

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

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

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

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

Comment: Satisfied.

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

Comment: Satisfied, subject to conditions of consent.

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

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

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

Comment: Satisfied, subject to conditions of consent.

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

- prevent both short term and long term inundation of habitable dwellings;
- control localised flooding from storm events to maintain access to lots, maintain the stability of the land form and to control erosion;
- habitable floor levels to have a minimum of 0.5m freeboard above the 1% AEP (100 year) flood level;
- ensure that any proposed filing does not cause unacceptable afflux to adjacent properties for all events up to and including the probable maximum flood;
- provide for the orderly and safe evacuation of people away from rising floodwaters by providing reliable access ensuring that the water depth – velocity product is no greater than 0.3m²/s for events up to 1% AEP (100 year) storm;
- provide sufficient on-site storage to match pre development peak flow rates for the 1% AEP (100 year) rain event. This will be achieved using detention storage within water quality features and detention basins.

Comment: Satisfied, subject to conditions of consent.

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

Comment: Satisfied, subject to conditions of consent.

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

Comment: Satisfied, subject to conditions of consent.

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

Comment: Satisfied, subject to conditions of consent.

7.12 – Residential Development

Comment: Not applicable. Only subdivision proposed.

7.13 – Fencing

Comment: Not applicable. No fencing proposed.

8.1 – Information required with subdivision applications

Subdivision Plans

Must demonstrate the location of proposed or potential zero-allotments.

Comment: Not applicable.

Staging Plans

All subdivision applications must demonstrate consistency with the indicative staging plan at Figure 3 in this DCP Chapter. Staging plans must identify the indicative dwelling yield and provision of infrastructure to be delivered for that stage of the development.

Comment: Satisfied.

Design Verification Statement (DVS)

A DVS is a document that provides clear and sound reasoning on how the proposed development meets the relevant objectives, performance criteria and acceptable solutions of this Chapter. A DVS is required to support a subdivision DA which includes small lots as per Shoalhaven LEP 2014. The DVS must include but is not limited to:

- A description of the proposed development (except for where the DVS is contained within a Statement of Environmental Effects).
- A robust explanation of the design of the subdivision and how it meets the individual key development outcomes (refer to Section 6 of this Chapter).
- Identify and justify any variations to the ILP.

Comment: Satisfied.