

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	15 March 2023
DATE OF PANEL DECISION	15 March 2023
DATE OF PANEL MEETING	7 March 2023
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Shoalhaven City Council Chambers and by videoconference on 7 March 2023, opened at 1:30pm and closed at 3:30pm.

Papers circulated electronically on 13 February 2023 (and addendum report and revised conditions circulated on 3 March 2023 and 10 March 2023).

MATTER DETERMINED

PPSSTH-138 – Shoalhaven - RA21/1003 known as 41 Main Road, Cambewarra – 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 agreement with, and 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. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

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

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

Matters Raised by Panel

During its pre-determination meeting with Council on 7 March 2023, the Panel sought additional information and confirmation on several key matters which the Panel considered should be addressed prior to making its decision. These related to:

- **Flood Impact and Emergency Access**
Council confirmed that it was satisfied that the proposal would not introduce unacceptable levels of flood risk for future residents noting that all lots are above the Probable Maximum Flood (PMF) level and all roads are flood free during a 1% AEP event.
- **Cumulative Impacts on Flood Plain from Filling**
Council confirmed that the site is located on the Low Hazard Flood Fringe which is unlikely to have any significant effect on the pattern of flood flows or levels in the floodplain. This is the case given the floodplain does not convey significant volumes of water, is not important for temporary storage, and flooding occurs as shallow overland flow, not from riverine flooding of Good Dog Creek or Bomaderry Creek. Council is satisfied that it has been demonstrated that the development is unlikely to have significant cumulative impacts on the floodplain.
- **Expanded Explanation of Flooding Commentary**
Council provided confirmation regarding its assessment of flooding in Section 18.2 of its assessment report and the requirements and expectations of recommended Conditions relating to flood management.
- **Confirmation that there are sufficient road widths to accommodate bus movements within the subdivision.**
Council confirmed that roads had been designed in accordance with its DCP which foreshadowed the use of roads for bus services both temporary and permanent. It was also confirmed that appropriate turning paths for buses had been factored into the design of roundabouts at Taylors Lane/Road 11 and Road 03/Road 11.
- **Further discussion regarding indigenous Cultural Heritage**
Council confirmed that an assessment of cultural values had been undertaken and provided within an Aboriginal Cultural Heritage Assessment Report prepared in accordance with the Burra Charter. The assessment concluded that the study area has low significance with respect to social, historic, scientific, and aesthetic values. It was also confirmed that consultation with the Nowra Local Aboriginal Land Council had occurred, and that Heritage NSW had issued its General Terms of Approval.
- **Confirm the contamination status of the site and that the site is fit for its intended use having regard to Chapter 4 of the SEPP (Resilience and Hazards) 2021.**
Council confirmed that the DSI concluded that the Contaminants of Potential Concern (CoPC) were generally reported at levels below Site Assessment Criteria (SAC). Further, the preliminary Areas of Environmental Concern (AECs) identified within the site were assessed as suitable for the proposed residential development. The DSI concludes that the site may be considered suitable for residential development within the terms of the SEPP.
- **Clarification of location and details of the proposed retaining wall to the south-east corner adjacent the unnamed creek**
Council confirmed that the proposed tiered sandstone retaining wall in this location was acceptable given it will be maintenance friendly and highly durable as it will be constructed of sandstone blocks. Council considered this a more superior outcome than a steep planted batter or swale which could potentially result in hydraulic design issues and less open space.

The Panel was satisfied that Council had adequately addressed the matters raised by the Panel.

CONDITIONS

The Development Application was approved subject to the conditions in the Council's Assessment and Addendum reports with several amendments which are included in red in Schedule 2, and summarised as follows:

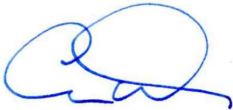

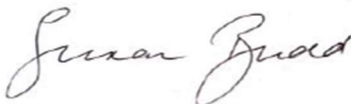
- The removal of former condition 55 requiring evidence of the registration of land;
- Clarification of works required within the Road Reserve (conditions 16 and 17);
- Clarification of the need for on-site stormwater detention to comply with certain design criteria (Condition 39);
- Clarification of what should be addressed in the Vegetation Management Plan (VMP) required by Condition 50;
- Various amendments to clarify the intent and implementation of conditions in general; and
- Administrative corrections throughout the document that do not change the intent of those conditions.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public both public exhibition periods. The Panel notes the issues of concern included:

- Impacts on Good Dog Creek and the riparian zone;
- The loss of viable agricultural land;
- Impacts to rural amenity and the setting of Cambewarra Village;
- Impacts on fauna;
- Lack of shared bike/footpaths and recreational areas;
- Impacts of earthworks required to manage flood impacts;
- Lack of infrastructure;
- Consistency with Master Plan (ILP for URA);
- Timing of development of broader URA and associated upgrades to Moss Vale Road;
- Inconsistencies in documentation; and
- Impact on the scenic protection area.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment and Addendum Reports and the conditions of consent and that no new issues requiring assessment have been raised.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-138 – Shoalhaven - RA21/1003
2	PROPOSED DEVELOPMENT	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 and 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.
3	STREET ADDRESS	41 Main Rd, CAMBEWARRA - Lot 4 DP 1289976 41A Main Rd, BADAGARANG - Lot 1 DP 1289976 Main Rd, BADAGARANG - Lot 2 DP 1289976 15 Main Rd, CAMBEWARRA - Lot 3 DP 1289976 Taylors Lane, BADAGARANG - Lot 1 DP 1256748 126 Taylors Lane, BADAGARANG - Lot 61 DP 1281131 Taylors Lane, BADAGARANG - Lot 62 DP 1281131 Taylors Lane, BADAGARANG - Lot 2 DP 1256748 Taylors Lane, BADAGARANG - Lot 2 DP 1281802 Taylors Lane, BADAGARANG - Lot 3 DP 1281802 49 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281802 Taylors Lane, BADAGARANG - Lot 1191 DP 1256749 15A Main Rd, BADAGARANG - Lot 1271 DP 1264383
4	APPLICANT/OWNER	Applicant: Newquest Property Pty Ltd C/- Maker Eng Pty Ltd Owner: Edward William Mobbs, Emily Jane Reid and Sally Ann Hay – Lot 4 DP 542936 and Lot 1272 DP 1264383 Shoalhaven City Council – Lot 1-2 DP 1256748, Lot 1191 DP 1256749, Lot 1271 DP 1264383 Robert Penfold and Margaret Penfold – Lot 6 DP 1256748 Chris Evison – Lot 7 DP 1256748
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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 Shoalhaven Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Shoalhaven Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 18 January 2023 • List any clause 4.6 variation requests here • List any council memo or supplementary report received: 10 March 2023 • Written submissions during public exhibition: 35 <ul style="list-style-type: none"> ○ Council assessment officer – Andre Vernez, Jack Rixon (Mecone) – Council Consultant assessment planner ○ On behalf of the applicant – Michael Braithwaite (Newpro 23 P/L), Mark Rigoni (Maker ENG), Megan George (Maker ENG), Oliver Keane • Total number of unique submissions received by way of objection: 31
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 9 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Susan Budd ○ <u>Council assessment staff</u>: Andre Vernez, Rebecca Lockhart ○ <u>Other</u>: Amanda Moylan (DPE), Verity Rollason (DPE) • Site inspection: 3 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Susan Budd ○ <u>Council assessment staff</u>: Andre Vernez, Cathy Bern , Rebecca Lockhart ○ <u>Other</u>: Verity Rollason (DPE) • Final briefing to discuss council's recommendation: 7 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Susan Budd ○ <u>Council assessment staff</u>: Andre Vernez, Cathy Bern, Rebecca Lockhart ○ <u>Council Consultant Assessment Planner</u>: Jack Rixon (Mecone) ○ <u>Other</u>: Amanda Moylan (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and as amended in Schedule 2

SCHEDULE 2

PART A: GENERAL CONDITIONS

1. General

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

Stamped Plans/Documents	Ref/Sheet No.	Prepared by	Dated
Key Plan including staging	Drawing No. MKR00145-10-C003	Maker ENG	16/09/2022 (Revision 6)
Lot Layout Plans	Drawing No. MKR00145-10-C005 to C010	Maker ENG	16/09/2022 (Revision 6)
General Arrangement Plans	Drawing No. MKR00145-10-C015 to C020	Maker ENG	16/09/2022 (Revision 6) 13/10/2022 (Revision 7)
Bulk Earthworks Plan	Drawing No. MKR00145-10-C025	Maker ENG	13/10/2022 (Revision 7)
Stormwater Layout Plans	Drawing No. MKR00145-10-C115 to C120	Maker ENG	16/09/2022 (Revision 6) 13/10/2022 (Revision 7)
On-Site Detention Memo	-	Maker ENG	13/10/2022
Integrated Water Cycle Management Strategy	Project No. MKR00145	Maker ENG	09/09/2022 (Version 4)
Landscape Plans	Project No. AD2102 Drawing No. DA-01 to DA-10	Ayling & Drury	13/09/2022 (Revision F)
Bushfire Assessment Report	Reference No. 220551B	Bushfire Hazard Solutions	23/06/2022 (Version 3)
Biodiversity Development Assessment Report	Project No. LE1264	Lodge Environmental	20/09/2022 (Revision 5)
Arboricultural Development Assessment Report	-	Moore Trees	24/06/2022
Aboriginal Cultural Heritage Assessment Report	Project No. 21105	Austral Archaeology Pty Ltd	15/08/2022 (Version 2)

Waste Management Plan	-	SLR Consulting	07/12/2021

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

2. **Staged Development**

Consent is given for the approved development in the following stages:

- 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.

Note: *The conditions of this consent apply to all stages unless specified.*

3. **Prescribed Conditions**

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 2 Subdivision 1, Environmental Planning and Assessment Regulation 2021, as applicable.

4. **Native Vegetation and Habitat**

The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans.

5. **Shoalhaven Water - Certificate of Compliance**

A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be. An application for a Certificate of Compliance is to be made once the Development Consent has been granted.

6. **Taylors Lane**

No access to and no construction within Taylors Lane is permitted at this time given Council's resolution (MIN22.933) 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.

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

7. **Department of Planning and Environment – Water (formerly NRAR)**

The conditions of the General Terms of Approval issued by the Department of Planning and Environment – Water, Reference No. IDAS-2022-10012, dated 25 November 2022, are included as conditions of this consent (as attached) and must be complied with.

8. **Heritage NSW**

The conditions of the General Terms of Approval issued by Heritage NSW, Reference No. DOC22/510638-27, dated 12 October 2022, are included as conditions of this consent (as attached) and must be complied with.

9. **NSW Rural Fire Service**

The conditions of the General Terms of Approval issued by NSW Rural Fire Service, Reference No. DA20220116000374-CL55-2, dated 1 March 2023, are included as conditions of this consent (as attached) and must be complied with.

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

10. **Subdivision Works Certificate**

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

11. **Appointment of Principal Certifier**

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

12. **Notice of Commencement**

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form [‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority’](#)

13. **Notice of Commencement – Responsible Person Subdivision**

Prior to the commencement of works, written notice must be given to Council (at least two days prior) that includes the name and contact number of a professional engineer, (as defined in the National Construction Code) / surveyor responsible for all subdivision works.

14. **Controlled Activity Approval Required**

Where required by a concurrence authority listed in Part B of this determination, a Controlled Activity Approval (CAA) is to be obtained from that authority prior to those works commencing.

15. **Toilet Facilities - Temporary**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

16. Public Safety and Protection of Public Property - Hoarding

Prior to the commencement of works a Class A temporary hoarding must be approved under section 138 of the *Roads Act, 1993* and erected between the work site and adjoining lands in accordance with SafeWork NSW guidelines and AS 2601 *Demolition of structures*. The hoarding must be kept in place until completion of the works.

17. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the *Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
- e) Where the Traffic Control Plan requires a reduction of the speed limit, an 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

18. Construction Traffic Management Plan

Prior to the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- a) Evidence that an agreement has been reached with the adjacent landowners to provide construction access through the land 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.
- b) No direct construction access is permitted from the bounds of this subdivision to Moss Vale Road.
- c) Stabilised site construction access location
- d) Proposed haulage routes for delivery of materials to the site
- e) Proposed haulage routes for spoil disposal from the site
- f) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
- g) Parking arrangements for construction employees and contractors
- h) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
- i) Loading / unloading areas
- j) Requirements for construction or work zones
- k) Pedestrian and cyclist safety
- l) Speed zone restrictions.

19. Runoff and Erosion Controls

Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated runoff around cleared or disturbed areas.
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c) preventing the tracking of sediment by vehicles onto roads.
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

20. **Dilapidation Report**

The developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9 metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council.

The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. The repairs must be completed by the developer at the developer's cost.

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

21. **Clearing of Vegetation - Supervision**

Prior to the commencement of work, a suitably qualified and licensed ecological consultant with wildlife handling experience must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council.

22. **Fauna Boxes**

Prior to the commencement of any clearing work, a total of nine fauna nest boxes must be installed as directed by a suitably qualified ecological consultant. The nest boxes are to be **appropriately sized** to provide suitable replacement habitat for the hollows that are to be removed. The nest boxes are to be installed within retained trees onsite or along Good Dog Creek. Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works **commencing**.

23. **Tree and Vegetation Protection**

Prior to the commencement of any clearing works the following requirements must be met to the satisfaction of the Certifier:

- a) The developer must identify the extent of clearing work as shown on the approved plans. A temporary protective barrier or similar visible material must be installed in accordance with the approved plans and retained until all work is complete.
- b) The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with *AS 4970: Protection of trees on development sites*.
- c) Shoalhaven City Council must inspect and certify in writing that vegetation and tree protection measures are in place prior to the commencement of works.

24. **Erosion and sediment control**

Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor and inspected and approved by the Certifier prior to the commencement

of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

25. **Timing of Native Vegetation Removal**

Native vegetation approved for removal must not be impacted prior to the issue of the Subdivision Works Certificate and before the biodiversity offset obligations specified in this approval and Stage 1 of the approval for SF10895 have been met.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

26. **Compliance with Conditions**

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

27. **Design Standards - Subdivision Works**

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's website.

The Subdivision Works Certificate may be staged in accordance with the stages shown on the approved staging plan unless overridden by conditions of consent. All conditions relevant to that stage are required to be addressed prior to issue of the Subdivision Works Certificate.

28. **Design Standards – Works Within Road Reserve**

Prior to the issue of a Subdivision Works Certificate, all subdivision works proposed within existing public road reserves must be approved by Council.

29. **Subdivision Entry and Signage**

Prior to the issue of a Subdivision Works Certificate, details of approved signs, fencing, and landscaping must be shown on the Subdivision Works Certificate plans and approved by the Certifier.

30. **Existing Services**

Prior to the issue of a Subdivision Works Certificate, the developer must check that the proposed works are not affected by or do not affect any Council electricity, telecommunications, gas, or other service. All services existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the developer's expense.

31. **Site Filling Design Standards - Subdivision**

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

The site filling design must comply with the following:

- a) The **site** must be regraded generally in accordance with the concept bulk earthworks plan by Maker ENG (Drawing No. MKR00145-10-C025, Revision 7, dated 13/10/2022) having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

32. **Soil and Water Management Plans (SWMP)**

Prior to the issue of a Subdivision Works Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004 to the satisfaction of the Certifier.

All implemented measures must:

- a) **not** cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- b) **be** maintained at all times.
- c) **not** be decommissioned until at least 70% revegetation cover has been established and permanent water quality measures are implemented.
- d) **in relation to the proposed sediment basins**, be maintained and managed until such time that the permanent devices have been constructed and embellished.

33. **Design Standards – Traffic Committee Referral**

Prior to the issue of a Subdivision Works Certificate details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.

Note: This process can take six to eight weeks.

34. **Road Design Standards (Urban) – Greenfield Subdivision**

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

- a) Council's Engineering Design Specifications sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
- b) AUSTROADS Design Requirements and Specifications.
- c) **The** concept general arrangement plans by Maker ENG (Drawing No. MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)), **and amended as follows**:
 - i. The median proposed on Road 11 north of the Road 11 / Road 22 intersection must be terminated at prior to the Road 20 intersection (at approximately the 90m chainage marker as shown on the above referenced plans).
 - ii. The westbound lane of the section of Taylors Lane within the development footprint must be re-constructed/upgraded to Council's rural road standard, provide a lane width of 3 metres and have a temporary seal.
- d) Design Vehicles – 14.5m rigid bus for all temporary and permanent bus routes (as identified under Council's DCP Chapter NB3) and 8.8m service vehicle for all other roads.
- e) Road 01 in the vicinity of the 90-degree bend within the north-west corner of the site is to be widened to accommodate the design vehicle within the travel lanes.

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

35. **Cycleway and Footpath Design Standards**

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

- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
- b) Locations shown on the concept general arrangement plans by Maker ENG (Drawing No. MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)) with:
 - i. An additional 2.0m wide pathway to be provided through the open space lots generally in accordance with the locations shown on Council's DCP Chapter NB3.
 - ii. 3% cross fall from the boundary to top of kerb.
 - iii. match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
 - iv. kerb ramps at intersections in accordance with Council's Engineering Design Specifications.
 - v. A safe crossing point for the shared user path on Road 07 to cross to the western side of Road 11 such as a wombat crossing or alternative as agreed by Council.
 - vi. Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh.
- c) Cross section design to be provided from road centreline to the boundary at each driveway access point.

36. **Lighting Design – Street Lighting on Public Roads**

Prior to the issue of a Subdivision Works Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).

37. Structural Design – Major Structures

Prior to the issue of a Subdivision Works Certificate, a detailed structural design for the following works must be certified **by a** professional engineer, (as defined in the National Construction Code) and approved by Council.

Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.

The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.

38. Stormwater Drainage Design Standards (Urban)

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

The stormwater drainage design must comply with the following:

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

39. On-Site Detention – Greenfield Subdivision

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

The on-site stormwater detention (OSD) design must comply with the following:

- a) DCP Chapters NB3 (including the supporting Integrated Water Cycle Management Plan) and G2.**
- b) The On-Site Detention Memo by Maker ENG (dated 13/10/2022).**

40. Stormwater Drainage Design – Trunk Drainage

Prior to the issue of a Subdivision Works Certificate, a detailed design including certified engineering plans, specifications and DRAINS model (or an approved alternative) for any major trunk drainage must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines **and approved by Council. Specifications can be found on Council's website.**

41. Amended Landscape Design Plans

Prior to the issue of a Subdivision Works Certificate, amended landscaping design plans and specifications must be prepared by a suitably qualified person and approved by **Council's Director of City Development or their delegate**.

The landscape design plans must:

- a) **Substitute *Corymbia maculata* with *Corymbia maculata* 'Lowana', a more dense, more dwarf tree, more suitable for roadside planting.**
- b) For street tree planting along Collector Roads, Local Streets and Tree Lined Boulevard, ensure centre of trunk is placed no less than 700mm from back of kerb. Further to this, for all street tree planting, ensure either root barrier or tree management systems **are** designed to protect built assets and services are installed.
- c) Include details of furniture and picnic shelters with reference to Council's Schedule of Finishes for Moss Vale Road South – Local Parks.
- d) Provide details of the proposed landscaping and fencing treatment for the tiered sandstone block wall shown on the concept general arrangement plan by Maker ENG (Drawing No. MKR00145-10-C016 (Revision 7)).

42. Flooding – Subdivision Works Certificate Requirements

Prior to the issue of a Subdivision Works Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- a) All roads will be constructed at or above the 2100 scenario 1% Annual Exceedance Probability (AEP) event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held.
- b) All new lots are constructed at or above the 2100 scenario 1% AEP event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held.
- c) Flood-free emergency vehicle access is provided to the subdivision for ambulance, SES, fire brigade, police and other emergency services during a 2100 scenario 1% AEP flood event.
- d) Flood-free pedestrian access is provided during a 2100 scenario 1% AEP flood event.
- e) All electrical installations must be constructed above the Flood Planning Level (FPL) or be able to be isolated prior to a flood event.
- f) The location of all hazardous substances are located at or above the 2100 scenario 1% AEP Flood Level.
- g) The realigned unnamed waterway and proposed cut-off drains must have a 2100 scenario 1% AEP capacity and a velocity-depth product that does not exceed 0.3m²/s.
- h) All fences must be designed with openings below the Flood Planning Level to allow free flow of floodwater.

43. WSUD Measures – Water Quality, Retention and Reuse

Prior to the issue of a Subdivision Works Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications. **The design is to be approved by Council**. Specifications can be found on Council's website.

The stormwater treatment, retention and reuse design must comply with the following:

- a) The proposed WSUD strategy must comprise of two CDS style GPTs or approved equivalent, rainwater tanks in accordance with BASIX requirements, two constructed wetlands, one end-of-line bioretention basin, two grassed swales and one trash rack.
- b) Rainwater tanks in accordance with BASIX requirements. All rainwater tanks must have a 10kL volume, with a minimum of 6kL dedicated to detention and a minimum of 80% of roof areas contributing to the rainwater tank.
- c) The WSUD strategy must be able to achieve the treatment train effectiveness as reported in the Integrated Water Cycle Management Strategy by Maker ENG (Project No. MKR00145, Version 4, dated 09/09/2022) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for approval.
- d) The 50% AEP pre-development peak discharge must be maintained.
- e) The post-development duration of stream forming flows must be no greater than a stream erosion index of 2.
- f) A graduated trash rack configuration is required to prevent litter overtopping the trash rack if it becomes fully blocked. The trash rack must be designed to retain litter greater than 40mm for flows up to the 4 EY event. If a proprietary trash rack is proposed, then Council approval is required.

44. **WSUD Measures – Constructed Wetlands**

Prior to the issue of a Subdivision Works Certificate, a detailed design of constructed wetland stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications. **The design is to be approved by Council.** Specifications can be found on Council's website.

The constructed wetland design must **address** the following:

- a) **Be** located in a treatment train configuration immediately downstream of a trash rack / GPT and sediment basin that is offline from the stormwater network to allow flows exceeding a 4 Exceedances per Year (EY) event to bypass the sediment basin.
- b) For proprietary treatment devices, documentation from the supplier providing evidence that the proposed device has been appropriately sized for the contributing catchment must be submitted. Documentation from the supplier confirming the recommended MUSIC pollutant reduction targets must also be provided. The proprietary treatment device must as a minimum have a storage capacity to store 12-month of litter/sediment from the contributing catchment. The invert level of all proprietary treatment devices must be constructed at or above the extended detention depth of the downstream constructed wetland.
- c) The constructed wetland must be designed in accordance with the latest version of the Melbourne Water Wetland Design Manual or a demonstrated equivalent approved by Council.
- d) The constructed wetland must have a maximum extended detention depth (EDD) of 500mm and a notional detention time between 48 and 72-hour.
- e) All inflows must enter the upstream end of the constructed wetland to ensure flows pass through the full length of the treatment device without any dead spots or the ability for flows to short-circuit the constructed wetland. A deeper pool is required in the location of both inflow and outflow pipes. A length to width ratio of approximately 8:1 is required.
- f) The GPTs are not to be considered in operational stage before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised.
- g) The constructed wetland must be established offline from inflows until it is fully established and not before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised.
- h) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 3m average width buffer around the stormwater devices (measured from the top of batter) **is** required for access, landscaping and safety

requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted.

- i) Batter slopes for the constructed wetland that are steeper than 1V:6H, including vertical retaining walls, are not permitted unless approved by Council.
- j) A vehicle access ramp must be provided to all trash rack, GPTs and constructed wetland treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:8H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turnings paths must be demonstrated to comply with AS2890.2 for a medium rigid vehicle (MRV).
- k) Landscape details for the constructed wetland and surrounds are to be included on the Landscape Plan and submitted to Council for approval.
- l) Stormwater detention is to be provided above the constructed wetland footprints. The maximum permitted depth of stormwater detention (EDD and OSD) is 1200mm. The DRAINS model (or approved alternative software accepted by Council) must be provided to Council for acceptance of the OSD modelling.
- m) Councils Engineering Design Specification where relevant.

45. **WSUD Measures – Bioretention Basins**

Prior to the issue of a Subdivision Works Certificate, a detailed design of bioretention basin stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications. **The design is to be approved by Council.** Specification can be found on Council's website.

The bioretention basin design must **address** the following:

- a) The bioretention basin must be located in a treatment train configuration immediately downstream of a trash rack and sediment forebay and GPT that is offline from the stormwater network to allow flows exceeding a 4 exceedance per year (EY) event to bypass the sediment basin.
- b) For proprietary treatment devices, documentation from the supplier providing evidence that the proposed device has been appropriately sized for the contributing catchment must be submitted. Documentation from the supplier confirming the recommended MUSIC pollutant reduction targets must also be provided. The proprietary treatment device must as a minimum have a storage capacity to store 12-month of litter/sediment from the contributing catchment. The invert level of all proprietary treatment devices must be constructed at or above the extended detention depth of the downstream bioretention basin.
- c) The bioretention basin must have a 300mm maximum extended detention depth (EDD). The saturated hydraulic conductivity must be between 100 and 300mm/hour, with a 100mm/hour value adopted for design in MUSIC.
- d) Erosion protection must be provided in the sediment basin / forebay and bioretention basin inlet and outlets locations, in accordance with Council's Engineering Design Specification.
- e) The bioretention basin must be designed in accordance with the latest version of the Adoption Guidelines for Stormwater Biofiltration Systems (CRC for Water Sensitive Cities) or a demonstrated equivalent approved by Council.
- f) The bioretention basin must be established offline from inflows until it is fully established and not before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised.
- g) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 3m average width buffer around the stormwater devices (measured from the top of batter) **is** required for access, landscaping and safety requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted.

- h) Batter slopes for the sediment basin / forebay and bioretention basin that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council.
- i) A vehicle access ramp must be provided to all trash rack, GPT, sediment basin / forebay and bioretention basin treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:8H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turnings paths must be demonstrated to comply with AS2890.2 for a medium rigid vehicle (MRV).
- j) Landscape details for the bioretention basin and surrounds are to be included on the Landscape Plan and submitted to Council for approval.
- k) Councils Engineering Design Specification where relevant.

46. **WSUD Measures – Vegetated Swales**

Prior to the issue of a Subdivision Works Certificate, a detailed design of vegetated swale stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications. **The design is to be approved by Council.** Specification can be found on Council's website.

The vegetated swale design must comply with the following:

- a) Side slopes of 1:8 is recommended with a 1:5 maximum side slope permitted.
- b) Absolute minimum longitudinal grade of 1% but ideally 2% minimum grade.
- c) Maximum longitudinal grade of 5% unless a steeper grade is approved by Council.
- d) Maximum Velocity x Depth product of 0.3 m²/s. Calculations are to be provided to Council.
- e) Where vegetated swales are provided beside roadways, property access must traverse the swale e.g., culvert, bridge or dish crossing (depending on depth of swale).
- f) Councils Engineering Design Specification where relevant.

47. **Water Sensitive Urban Design Operation and Maintenance Manual**

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council prior to **the** issue of the **Subdivision Works Certificate**. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

48. **Water Sensitive Urban Design Checklists**

Compliance checklists are to be prepared by the WSUD Designers and submitted to Council prior to **the** issue of the **Subdivision Works Certificate**. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.

49. **Biodiversity Requirements for Subdivision Works Certificate Plans**

Prior to the issue of the Subdivision Works Certificate, plans must be provided that demonstrate the following to the satisfaction of Shoalhaven City Council:

- a) Exclusion fencing such as parra-webbing or similar surrounding the drip line of all trees and adjacent areas of native vegetation to be retained.
- b) The design of the low flow pipe and bypass channel is to minimise excavation and other works within the riparian zone of Good Dog Creek, where possible. Works within the 20m inner riparian zone are not permitted, unless approved by Council. Any works within the riparian zone of Good Dog Creek must

be compensated in accordance with the averring rule specified in the *NRAR Guidelines for Controlled Activities on Waterfront Land: Riparian Corridors*.

- c) The retention of trees 29 and 30, identified in the Arboricultural Development Assessment Report by Moore Trees (dated 24/06/2022), where possible.

50. **Vegetation Management Plan (VMP)**

Prior to the issue of a Subdivision Works Certificate, a Vegetation Management Plan (VMP) is to be prepared by a suitability qualified ecologist with experience preparing restoration or vegetation management plans.

The VMP must address the following:

- a) Restoration or revegetation of the riparian corridor along Good Dog Creek including additional areas requiring revegetation in accordance with the averaging rule.
- b) Restoration and enhancement of the C3 zoned land.
- c) Planting within and around the wetlands on the Council reserve.

The VMP is to include the following at a minimum:

- a) Describes the composition and condition of the existing vegetation and habitat on the subject land.
- b) Identifies proposed management zones on the subject site (where applicable).
- c) Determines performance criteria and quantifiable objectives and activities to meet these objectives. Activities may include, but are not limited to, weed control, fencing, exclusion of stock, planting and maintenance of habitat including nest boxes.
- d) A project schedule or works that includes identified performance objectives
- e) A budget.
- f) Monitoring and reporting methods for the proposed management zones.

The VMP is to be approved by Shoalhaven City Council prior to the issue of a Subdivision Works Certificate. VMP works must commence at the approval of the document.

51. **Retirement of Biodiversity Offset Scheme Credits**

The *NSW Biodiversity Conservation Act 2016* requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out (*BC Act* s7.13(5)).

Evidence that credit obligations have been met must be provided to Council prior to the issue of a Subdivision Works Certificate. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions. The following credits are required to be retired.

Ecosystem Credits

Credit classes for PCT 1212	Like-for-like options		
	Offset Trading Group	Containing HBT	In the below IBRA subregions
Number of credits required to be retired: 1	River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and Southern East Corner Bioregions including PCTs 686, 828, 835, 941, 1108, 1109, 1212, 1228, 1293, 1318, 1326, 1386, 1504, 1556, 1594, 1618, 1720, 1794.	Yes	Illawarra, Ettreme, Jervis, Moss Vale, Sydney Cataract and Northern Basalts. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
	Variation options		

	Any PCT in the below formation and in any of below trading groups	Containing HBT	In the below IBRA regions/subregions
	Wet Sclerophyll Forest (Grassy sub-formation) in a Tier 3 of higher threat status.	Yes (including artificial)	IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Biodiversity credit obligation options

Species Credits

Species	Number of Credits to be retired	Like for Like options	Variation options
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i>	1	Any Gang-gang Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale, Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Glossy-black Cockatoo <i>Calyptorhynchus lathamii</i>	1	Any Glossy-black Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Large-eared Pied Bat <i>Chalinolobus dwyeri</i>	1	Any Large-eared Pied Bat in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Southern Myotis <i>Myotis Macropus</i>	1	Any Southern Myotis in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site
Powerful Owl <i>Ninox strenua</i>	1	Any Powerful Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Masked Owl <i>Tyto novaehollandiae</i>	1	Any Masked Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.

Like for like credit obligations may be achieved through either:

- The purchase and retirement of credits

Evidence must be provided in the form of a credit retirement report issued by NSW Office of Environment and Heritage (OEH) confirming credit transactions. The credit transaction must correspond to the required like for like credits from an appropriate location.

- Payment into the Biodiversity Conservation Fund (BCF) administered by the Biodiversity Conservation Trust (BCT)

Evidence must be provided in the form of a section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust. The payment transaction must correspond to the appropriate class and number of credits required.

Note that the use of variation rules to utilise the “Variation options” under the *Biodiversity credit obligation options*, can only be approved following demonstration of reasonable steps to locate like for like offsets. Actions that constitute ‘reasonable steps’ are outlined in the ancillary rules (<https://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf>).

52. **Construction Environment Management Plan**

Prior to **the** issue of a Subdivision Works Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared outlining all measures to protect and minimise impacts to the natural features on the property, including native vegetation and fauna, during construction. The CEMP is to include relevant measures prescribed by these consent conditions and the recommendations outlined in the approved Biodiversity Development Assessment Report by Lodge Environmental (Project No. LE1264, Revision 5, dated 20/09/2022) including but not limited to:

- a) Nest box installation and maintenance
- b) Protection of retained trees and vegetation
- c) Vegetation removal protocols including hollow-bearing tree removal protocols
- d) Protocols to protect fauna during works within the existing waterway including the rescue and relocation of native fauna inhabiting the waterway.

The CEMP is to be approved by Shoalhaven City Council prior to the issue of a Subdivision Works Certificate and the start of any works, including clearing works.

53. **Microbat Management Plan**

Prior to **the** issue of a Subdivision Works Certificate, a Microbat Management Plan is to be prepared by a suitably qualified ecologist that outlines how impacts to Threatened microbats are minimised during construction. The plan is to include protocols to protect and minimise harm to any roosting or breeding microbats located within trees to be removed. Replacement habitat is to be provided. The plan is to be approved by Shoalhaven City Council prior to the commencement of any works.

54. **Shoalhaven Water – Prior to the Issue of a Subdivision Works Certificate**

Prior to the issue of a Subdivision Works Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Issue of a Subdivision Works Certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

PART F: DURING WORKS

55. **Hours for Construction**

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

56. Excavation

Excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018.

57. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

58. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.
- b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- c) In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery

59. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved soil water management measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
 - i. all vehicles entering or leaving the site must have their loads covered, and
 - ii. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

60. Imported Fill - VENM or ENM Only

Where fill is imported to the site it must be characterised as virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 of the *Protection of the Environment Operations Act 1997 (POEO Act)*.

Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.

61. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

62. In the event that material is required to be disposed offsite, materials must be accompanied by a Waste Classification Certificate in accordance with the *NSW EPA Waste Classification Guidelines (2016)* and prepared by a suitably licenced environmental professional.

Should any change in site conditions or incident occur which causes a potential environmental impact, a suitable environmental professional should be engaged to further assess the site and consider requirements for any additional assessment.

63. Earthworks Cut, Fill and Grading

The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of cut or fill on any portion of the allotment must be 2.0 metres except where identified within the concept bulk earthworks plan by Maker ENG (Drawing No. MKR00145-10-C025, Revision 7, dated 13/10/2022).

64. CCTV Inspection of Stormwater Pipes

Prior to the completion of works, all stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV and submitted to the Certifier for approval. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent road pavement works have been completed.

Damaged pipes must either be replaced or repaired to the satisfaction of the Certifier prior to the issue of a Subdivision Certificate.

65. Stormwater Connections in Road Reserve

Prior to completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.

Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.

66. Lot Filling

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill outside the allotment areas must be placed in accordance with Council's Engineering Construction Specification.
- b) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code).
- c) A Level 1 Supervision Report is to be approved by Council prior to the release of the Subdivision Certificate.
- d) Obtain a lot classification, in accordance with AS 2870 Residential slabs and footings, of no worse than 'H'; a lot classification must be submitted to Council prior to the release of the Subdivision Certificate.
- e) Any fill must:
 - i. have a maximum batter of 25% (1v:4h) at any location.
 - ii. not encroach onto adjoining land.
 - iii. not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.
 - iv. be protected against erosion, with measures incorporated in the erosion and sediment control plan.
 - v. include adjustment of services (manholes, inter-allotment drainage, etc.) in the scope of works.

67. **Felling of trees**

Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.

68. **Hollow bearing tree removal and pre-clearance protocols**

All hollow bearing trees and trees containing nests are to be removed in accordance with the following protocols.

- a) A suitably licensed ecologist (who is vaccinated for Australian Bat Lyssavirus) is to supervise the removal of the Hollow-bearing trees and any tree containing nests to minimise the chance of harm to fauna, and to rescue or relocate any fauna displaced during the clearing process.
- b) All trees and hollows are to be checked for resident fauna prior to felling by the supervising ecologist.
- c) If nesting or breeding fauna are present within trees to be removed, works must stop and cannot commence again until the supervising ecologist has confirmed that breeding or nesting is no longer occurring.
- d) Non-hollow bearing trees are to be removed before the removal of hollow-bearing trees. Hollow-bearing trees are to be removed at least day following all other vegetation removal to allow sheltering fauna time to leave on their own.
- e) The hollow-bearing tree must be gently nudged several times with felling equipment prior to felling to encourage safe fauna evacuation.
- f) The tree must be then be felled carefully in sections to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
- g) Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist.
- h) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and the consultant ecologist is to advise and responsibly rescue and relocate the animal(s). Injured animals will

need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.

- i) In the event that a breeding or nesting threatened species is observed onsite, works must stop immediately, and the developer and consultant ecologist must consult with Council's Environmental Assessment Officer to determine what steps are to be taken to avoid harm or disruption to the nesting Threatened species.
- j) Where possible, logs from felled trees should be distributed into areas of vegetation to be retained so that they can continue to provide habitat for fauna.

69. **Pruning or Trimming**

Pruning or trimming of any trees to be retained must be undertaken in accordance with *AS 4373 Pruning of amenity trees*.

70. **Parking and storing of building equipment and materials**

The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and vegetation to be retained is prohibited.

71. **Construction Environmental Management Plan**

Works must be undertaken in accordance with the approved Construction Environmental Management Plan.

72. **Timing of works**

To protect hollow-nesting fauna, the removal of hollow-bearing trees must be undertaken outside of spring and summer months

73. **Contamination - Unexpected Finds**

- a) If unexpected contaminated soil and/or groundwater is encountered during any works:
 - i. all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
 - ii. the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- b) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.
- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

74. Subdivision Certificate

A Subdivision Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.

75. Schedule of Compliance

The Subdivision Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.

76. Special Infrastructure Contribution

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Illawarra Shoalhaven) Determination 2021 (as in force when this development consent takes effect).

A person may not apply for a Subdivision Certificate, Construction Certificate or Occupation Certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

77. Local Infrastructure Contributions - Subdivision

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

Stage 1:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 69	\$50,895.78
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 69	\$39,470.76
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 69	\$53,278.35

01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 69	\$2,179.02
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 69	\$236,980.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 69	\$763,066.86
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 69	\$402,566.01
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 69	\$140,420.52
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 69	\$106,127.52
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 69	\$93,074.10
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 69	\$5,109.45
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 69	\$10,039.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 69	\$14,687.34
CWMGMT3001	Contributions Management & Administration	\$605.06 * 69	\$41,749.14

\$1,959,644.85

Stage 2:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 35	\$25,816.70
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 35	\$20,021.40
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 35	\$27,025.25
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 35	\$1,105.30
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 35	\$120,207.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 35	\$387,062.90

01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 35	\$204,200.15
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 35	\$71,227.80
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 35	\$53,832.80
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 35	\$47,211.50
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 35	\$2,591.75
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 35	\$5,092.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 35	\$7,450.10
CWMGMT3001	Contributions Management & Administration	\$605.06 * 35	\$21,177.10

\$994,022.75

Stage 3:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 55	\$40,569.10
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 55	\$31,462.20
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 55	\$42,468.25
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 55	\$1,736.90
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 55	\$188,897.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 55	\$608,241.70
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 55	\$320,885.95
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 55	\$111,929.40
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 55	\$84,594.40

CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 55	\$74,189.50
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 55	\$4,072.75
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 55	\$8,002.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 55	\$11,707.30
CWMGMT3001	Contributions Management & Administration	\$605.06 * 55	\$33,278.30
			\$1,562,035.75

Stage 4:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 34	\$25,079.08
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 34	\$19,449.36
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 34	\$26,253.10
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 34	\$1,073.72
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 34	\$116,773.00
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 34	\$376,003.96
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 34	\$198,365.86
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08 * 34	\$69,192.72
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 34	\$52,294.72
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 34	\$45,862.60
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 34	\$2,517.70
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 34	\$4,947.00
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 34	\$7,237.24

CWMGMT3001	Contributions Management & Administration	\$605.06 * 34	\$20,572.04
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\$965,622.10

Stage 5:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 56	\$41,306.72
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 56	\$32,034.24
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 56	\$43,240.40
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 56	\$1,768.48
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 56	\$192,332.00
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 56	\$619,300.64
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 56	\$326,720.24
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,035.08 * 56	\$113,964.48
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 56	\$86,132.48
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 56	\$75,538.40
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 56	\$4,146.80
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 56	\$8,148.00
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 56	\$11,920.16
CWMGMT3001	Contributions Management & Administration	\$605.06 * 56	\$33,883.36

\$1,590,436.40

Stage 6:

Project	Description	Calculation	Amount
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01AREC5006	Northern Shoalhaven Sports Stadium	\$737.62 * 5	\$3,688.10
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$572.04 * 5	\$2,860.20
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$772.15 * 5	\$3,860.75
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$31.58 * 5	\$157.90
01DRAI5006	Moss Vale Road South URA Drainage	\$3,434.50 * 5	\$17,172.50
01OREC6015	Moss Vale Road South URA Passive Recreation	\$11,058.94 * 5	\$55,294.70
01ROAD5154	Moss Vale Road South URA Roads	\$5,834.29 * 5	\$29,171.45
CWAREC5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$2,035.08 * 5	\$10,175.40
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,538.08 * 5	\$7,690.40
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,348.90 * 5	\$6,744.50
CWCFAC5007	Shoalhaven Regional Gallery	\$74.05 * 5	\$370.25
CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 5	\$727.50
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 5	\$1,064.30
CWMGMT3001	Contributions Management & Administration	\$605.06 * 5	\$3,025.30
			\$142,003.25

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

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

78. Verification of Works

Prior to the issue of a Subdivision Certificate, the developer is to provide the following documentation to the Certifier for approval:

- Notification from the developer verifying that all subdivisions works have been constructed in accordance with the approved plans and construction specifications.

- b) Written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.
- c) Completion of Works within the Road Reserve notification letter from Council.
- d) Certification from Council or an accredited certifier to verify that all inspections required by the Certifier have been completed in accordance with the approved plans and construction specifications.
- e) A structural certificate from a professional engineer, (as defined in the National Construction Code) submitted to Council to certify that all structural elements have been constructed in accordance with the approved plans and relevant Australian Standards.
- f) Level 1 Supervision Report and Lot Classification Report.
- g) Final pavement tests to confirm material depth and compaction complies with the pavement design.

79. **Rainwater Tanks**

Prior to the issue of the Subdivision Certificate, the developer must:

- a) Create a restriction on use of land over each lot stating no building or dwelling is to be erected on any lot unless it is provided with a rainwater tank in accordance with a plan approved under a Subdivision Works Certificate as required by this consent and comply with the following:
 - i. Install a 10kL minimum rainwater tank on the lot(s) in accordance with BASIX which captures at least 80% of roof areas from the habitable dwelling with a minimum of 6kL dedicated to detention.
 - ii. Provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify that the rainwater tank has been constructed in accordance with the approved Construction Certificate plans.

80. **Water Sensitive Urban Design Elements**

The registered proprietor must not make or permit or suffer the making of any alterations to any stormwater treatment measures/ water sensitive urban design (WSUD) elements which is, or must be, constructed on the lot(s) burdened without the prior consent in writing of Shoalhaven City Council.

The expression “stormwater treatment measures/ water sensitive urban design elements” means the infiltration systems, porous pavement, sediment basins, bio-retention swales, bioretention basins, rain gardens, landscaped or vegetated swales, vegetated buffers, swale/ buffer systems, sand filter, wetlands, ponds, retarding basins, aquifer storage and recovery, rainwater reuse tanks, stormwater reuse tanks, gross pollutant traps, pit inserts, silt/ oil arrestors or other proprietary products including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins or surfaces graded to direct stormwater to the stormwater treatment measures/ water sensitive urban design elements.

81. **Maintenance Period of WSUD Devices**

The developer is responsible for all maintenance of the stormwater infrastructure; including trash racks, GPT devices, sediment basins / forebays, constructed wetlands, bioretention basins, water quality ponds, infiltration basins, swales etc for a period of 3 years up until Council’s acceptance that the WSUD devices and associated stormwater assets are of a satisfactory condition at the end of the 3-year maintenance period.

Approaching hand over at the conclusion of the 3-year maintenance period, a site meeting with Council must be arranged by the developer. The objective of the meeting will be to identify any outstanding actions that require rectification by the developer before asset hand over. Annual reports documenting implementation measures and containing all monitoring results are to be submitted to Council during this phase.

82. **Handover of WSUD Assets to Council**

The following conditions are required to be met for WSUD devices to be handed over to Council.

- a) The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings and specifications.
- b) All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes but not limiting, the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
- c) Any accumulated sediment has been removed to the as-built invert levels of the bioretention basin.
- d) For bioretention and infiltration basins, an infiltration test has been undertaken to validate the saturated hydraulic conductivity is in accordance with the approved design. The infiltration test must be observed by Council's Development Engineering Coordinator or delegate.
- e) Any identified defects have been rectified to the satisfaction of Council at the developer's cost.
- f) Work As Executed (WAE) drawings have been provided to and accepted by Council.

83. WSUD Measures – Timing and Security

Prior to the issue of the Subdivision Certificate for any stage of the development, the developer is to construct and maintain temporary sediment basins in accordance with the approved Soil Water Management Plans (SWMP) until such time that all WSUD measures as reported in the Integrated Water Cycle Management Strategy by Maker ENG (Project No. MKR00145, Version 4, dated 09/09/2022) have been completed.

The developer is also required to lodge a bond to the satisfaction of Shoalhaven City Council to ensure the embellishment of all WSUD works in accordance with the approved WSUD strategy. This bond must be in the form of an irrevocable bank guarantee and made out in favour of Shoalhaven City Council and operate as follows:

- a) The bond must be submitted to Council prior to the release of the Subdivision Certificate for any stage of the development.
- b) The bond must be held by Council until the expiration of the defects liability period as outlined in Part H.
- c) If Council is to advise the developer that maintenance work is required on the WSUD measures, remedial work must be substantially commenced within forty-eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, to undertake such measures as deemed necessary and fund these works from the bank guarantee.

84. Vegetation Management Plan Works

Initial vegetation management works as specified in the approved Vegetation Management Plan must be completed prior to the issue of a Subdivision Certificate.

85. Evidence of Compliance with Bushfire Measures

Prior to the issue of a Subdivision Certificate, certification must be provided by a BPAD Level 3 accredited consultant to the satisfaction of the Certifier, that the bushfire measures required by the approval have been installed to their satisfaction.

86. Road Connection to Moss Vale Road

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the public road dedication over the adjacent lots (subject of SF10804 and SF10895) to the subdivision within this approval have been constructed in accordance with the conditions of the consent.

87. Agreement for Provision of Stormwater Infrastructure

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the developer has entered into a satisfactory agreement and arrangements with Council for the

provision of stormwater infrastructure as required under DCP Chapter NB3 and Contribution Plan 01DRAI0006.

88. Works as Executed Plans

Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to council and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Subdivision Works Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
- b) Show compliance with the approved design plans of all road and drainage works.
- c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
- d) Show the extent, depth and final levels of filling.
- e) Show any retaining walls including footings and agricultural drainage lines.
- f) Show the location of all underground service conduits.
- g) Include all deviations from the approved Civil Engineering Plans.

89. Maintenance Bond – Subdivision Works

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) to Council to provide security and assurance that the developer will for a period of 12 months, repair any defective works or re-establish ground cover where this has not been maintained.

90. Maintenance Bond – Subdivision Signs

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee to Council to cover the cost of removal of any approved estate signs installed by the developer. The bond amount must also include restoration of the area to Councils satisfaction.

91. Restrictions – Easements and Restrictions on Use of Land

An Instrument must be prepared under section 88B of the Conveyancing Act 1919 which will provide for the following **Restriction** on the land when the subdivision is registered:

- a) All corner lots which have access to Road 11 and a minor road **are** to have access prohibited to Road 11.

The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council. The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.

A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

92. Property Addressing

Road naming and property addressing, whether for a public or private road within an urban, rural or community subdivision, must comply with the NSW Address Policy and NSW Addressing User Manual administered by the NSW Geographical Names Board and Council's Road Naming Policy and/or Property Addressing Policy.

An Application for Road Naming and/or an Application for Property Addressing must be submitted to Council and approved prior to submission of a Subdivision Certificate Application. For further information see Council's website or contact Council's GIS Group on (02) 4429 3479.

93. Utility Services

Prior to the issue of a Subdivision Certificate, utility services must be provided in accordance with the following:

- a) The provision of electricity to service allotments and street lighting in the subdivision must be in accordance with the requirements of Endeavour Energy who are to confirm in writing that conditions of supply have been met.
- b) The submission of a Telecommunications Infrastructure Provisioning Confirmation from an approved telecommunications carrier to the Certifier or Council (as applicable) confirming that satisfactory arrangements have been made for the provision of telecommunication services to all individual lots.
- c) A Certificate of Compliance under Section 307 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of a Subdivision Certificate, as the case may be.
- d) If development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water. For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3547.

94. Detailed Engineering Survey Plan

Prior to the issue of a Subdivision Certificate, the developer is to submit to Council a Detailed Engineering Survey Plan for all Council owned land and any land being transferred to Council as open space.

95. Landscaping

The approved landscaping works including street trees are to be installed prior to the issue of the Subdivision Certificate and must be maintained until the end of the maintenance period and the trees are established. Any tree not established upon expiry of the subdivision maintenance period is to be replaced and maintained until established. A bond must be provided for the maintenance of any replaced or non-established trees, to be held until the trees are established, or for a period of 12 months.

PART I: ONGOING USE OF THE DEVELOPMENT

96. Landscaping

The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.

97. Nest Boxes

The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on [DA Tracking](#)

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site. The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

PART L: RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979		
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Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

PART M: GENERAL ADVICE

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility".

Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of Shoalhaven Local Environmental Plan 2014 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.