**COUNCIL ASSESSMENT REPORT**

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| --- | --- | --- |
| **Panel Reference** | PPSSTH-484 MTG-14206 | |
| **DA Number** | MA25/1009 | |
| **LGA** | Shoalhaven City Council | |
| **Proposed Development** | Proposed Residential Subdivision | |
| **Street Address** | Badagarang – within Stage 4 of URA  Various – see below | |
| **Applicant/Owner** | Various – see below | |
| **Date of DA lodgement** | Select Date | |
| **Total number of Submissions**  **Number of Unique Objections** | * Nil * Nil | |
| **Recommendation** | Approval | |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011** | Development $5m+ / Council Interest | |
| **List of all relevant s4.15(1)(a) matters** | * Shoalhaven Local Environmental Plan 2014 * Shoalhaven Development Control Plan 2014 | |
| **List all documents submitted with this report for the Panel’s consideration** | * updated S4.55 Report by Allen Price (dated 20/02/2025) * Modified Plan of Subdivision by Allen Price (Dwg 479-23G L04 [00] – 1 of 1) dated 06/11/2024 * Modified Landscaping Plans prepared by Ayling Drury Landscape Architecture (Dwg No.s DA01 to DA10) dated October 2024. * Modified civil plans - Dwg 479-23C-DA-MOD-0001 Rev B, Dwg 479-23C-DA-MOD-0002 Rev B, Dwg 479-23C-DA-MOD-0003 Rev B, Dwg 479-23C-DA-MOD-0004 Rev B, Dwg 479-23C-DA-MOD-0051 Rev B, Dwg 479-23C-DA-MOD-0061 Rev B, Dwg 479-23C-DA-MOD-0062 Rev B, Dwg 479-23C-DA-MOD-0101 Rev B, Dwg 479-23C-DA-MOD-0201 Rev B, Dwg 479-23C-DA-MOD-0701 Rev B, Dwg 479-23C-DA-MOD-0901 Rev B, Dwg 479-23C-DA-MOD-0902 Rev B | |
| **Clause 4.6 requests** | n/a | |
| **Summary of key submissions** | n/a | |
| **Report prepared by** | Elizabeth Downing | |
| **Report date** | 9 April 2025 | |
| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | | **Yes** | |
| **Legislative clauses requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | | **Yes** | |
| **Clause 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | | **Not applicable** | |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.24)?  *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | | **Not applicable** | |
| **Conditions**  Have draft conditions been provided to the applicant for comment?  *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | | **Yes** | |

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| cid:image001.png@01D01490.CD9D2B20 | **Section 4.55 Assessment Report**  *Environmental Planning & Assessment Act 1979* |

|  |  |  |  |  |
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| **Conflict of interest declaration**  I have considered the potential for a conflict of interest under the Code of Conduct and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.  *Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the Manager.* | | | | |
| *Assessing Officer* | **Elizabeth Downing** | | **5/02/2025** | |
| *Peer Review Officer* | **Justin Lamerton** | | **9/04/2025** | |
| Affiliations and Pecuniary Interests | Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form?  *Note: Where a pecuniary interest is identified ensure appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)*  *Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.* | | No | |
| Councillor Representations | *Councilor* | *Date* | | *TRIM Reference* |
| Nil | n/a | | n/a |
| Delegation Level Required | **Regional Planning Panel (unless delegated)** | | | |

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| --- | --- | --- |
| Parent DA/SF Number | RA2021/1003 | |
| MA Number | MA2025/1009 | |
| PAN | PAN-502365 | |
| Property Address | Primary address: 41A Main Road BADAGARANG - Lot 1 DP 1289976  Original consent was over:  • Taylors Lane, BADAGARANG - Lot 1 DP 1256748  • Taylors Lane, BADAGARANG - Lot 2 DP 1256748  • Taylors Lane, CAMBEWARRA - Lot 1191 DP 1256749  • 15A Main Rd, BADAGARANG - Lot 1271 DP 1264383  • 126 Taylors Lane, BADAGARANG - Lot 61 DP 1281131  • Taylors Lane, BADAGARANG - Lot 62 DP 1281131  • 49 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281802  • Taylors Lane, BADAGARANG - Lot 2 DP 1281802  • Taylors Lane, CAMBEWARRA - Lot 3 DP 1281802  • 41A Main Rd, BADAGARANG - Lot 1 DP 1289976  • Main Rd, BADAGARANG - Lot 2 DP 1289976  • 15 Main Rd, CAMBEWARRA - Lot 3 DP 1289976  • 41 Main Rd, CAMBEWARRA - Lot 4 DP 1289976 | |
|  | Figure 1 - Subject Land | |
| Proposal | S4.55(2) to RA21/1003 - modification to align subdivision layout with SF10804 (as proposed to be modified DS23/1169 & stage 4 of SF10804) | |
| Applicant(s) | Michael Braithwaite from - The Trustee for NewPro 23 Unit Trust | |
| Owner(s) | Shoalhaven City Council & NewPro 23 | |
| Owner’s consent provided? | Yes | |
| Date Lodged | 30/01/2025 | |
| Date of site inspection | Inspection not warranted in this instance. | |
| Date clock stopped | 19/02/2025 | |
| Date clock started | 28/02/2025 | |
| RFIs | *Additional Information* | *Outcome* |
| Confirmation re: conditions | Satisfied |
| Related Application in NSW Planning Portal? | Concurrence and/or external agency referral – RFS and Endeavour Energy  Section 68  Section 138  Construction Certificate  *Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.* | |
| Number of submissions | *Note: where submissions are received Council must give notice of the determination decision to all submitters.* | |

# Detailed Proposal

**Approval History**

|  |  |  |
| --- | --- | --- |
| **Application** | **Approval date** | **Approval Body** |
| RA21/1003 | 15/03/2023 | SRPP |
| DS23/1280 | 03/10/2023 | SCC |
| MA24/1082 | 04/09/2024 | SCC (with delegated authority) |
| MA24/1310 | 09/04/2025 | SRPP |

Notes:

1. *At time of lodgement MA24/1310 is currently under assessment, with referral pending and request for delegation from regional planning panel outstanding.*

*MA24/1310 pertains to land away from the area that this MA25/1009 pertains to. MA24/1310 applicable area is to the south, see plan below. Therefore, MA24/1310 and MA25/1009 able to be assessed and determined independently from each other. However, should MA24/1310 determined prior to MA25/1009 or vice versa, consolidated consents to be issued with regard to each other.*

1. *MA24/1310 Determination Statement of Reasons issued by Panel 09/04/2024 and Determination of Application MA24/1310 issued 09/04/2024.*

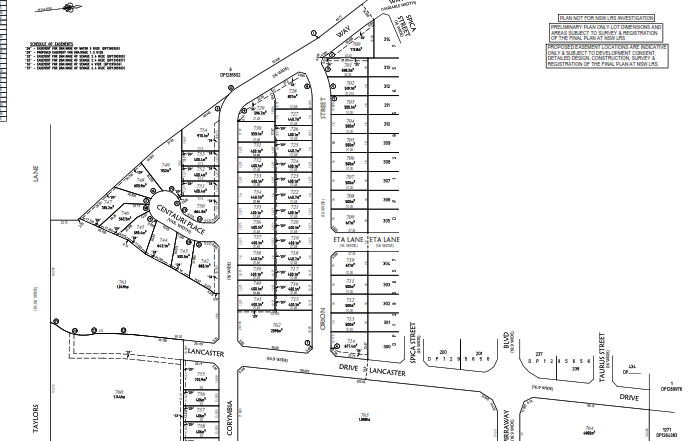


Figure 2 - location of MA24/1310

1. This application, MA25/1009, must be approved prior to DS23/1169 and stage 4 SF10804.

DS23/1169 & SF10804 propose a road alignment that is reliant on this current modification with revised lot/road layout.

**Current Application:**

An application to modify the consent has been submitted, in accordance with the provisions of Section 4.55(2) of the Environmental Planning and Assessment (EP&A) Act 1979.

This modification application seeks to reconfigure six lots (Lots 550 – 555) within approved Stage 4

(as modified under MA24/1082) – a minor realignment of Road 19 in the north of the site to align with the proposed modification to SF10804 under DS23/1169 currently under assessment.

This also includes some amendments to the approved streetscape landscaping due to location and positioning of street trees in stage 4 in response to the amended lot layout / configuration.

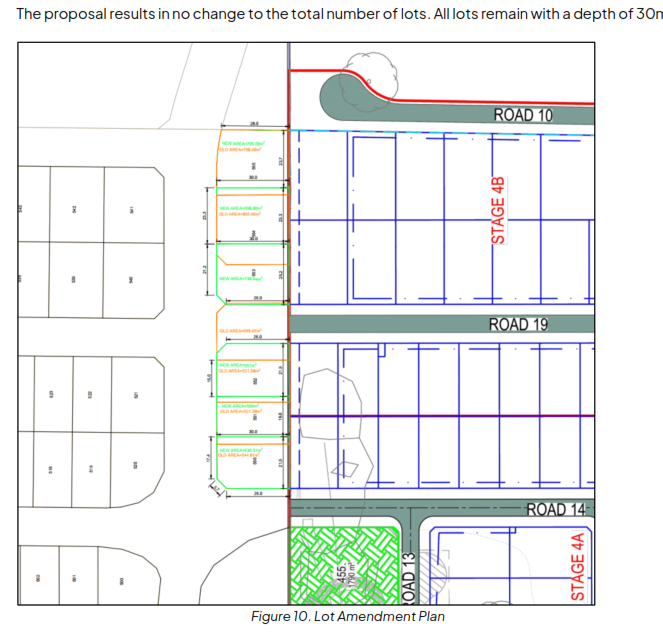


Figure 3 - proposed modification

|  |  |  |
| --- | --- | --- |
| **Lot** | **Area as approved** | **Area as proposed** |
| 550 | 544.81m2 | 636.51m2 |
| 551 | 521.58 m2 | 500m2 |
| 552 | 521.58 m2 | 651m2 |
| 553 | 699.65 m2 | 748.04m2 |
| 554 | 855.6m2 | 698.8m2 |
| 555 | 798.4m2 | 705.5m2 |

As per amended SEE dated 20/02/2025 uploaded (28/02/2025), the application proposes to make the following modifications to the development consent.

1. modification of consent to modify condition 1

to reflect amended lot layout plans

*the Colliers plans proposed to be approved in relation to Lots 550-555 should be referenced under condition 1 with an additional note which states that where there is discrepancy between the Colliers plans and the MAKER plans, that the Colliers Plan take precedence in relation to the works proposed within Lots 550-555 and the works within the adjacent road reserves.*

1. modification of consent to modify condition 9

to reflect updated GTA issue date, due to amended plans.

1. modification of consent to modify condition 31
2. to amend the design to comply with the amended road plans as relevant to lots 550-555 and parts of roads 11 & 19 and
3. to include additional reference to the currently proposed plans by Colliers for Lots 550-555
4. modification of consent to modify condition 35

to amend the design to comply with the amended civil plans as relevant to lots 550-555 and parts of roads 11 & 19

1. modification of consent to modify condition 38

to amend the design to comply with the amended drainage plans as relevant to lots 550-555 and parts of roads 11 & 19

1. modification of consent to modify condition 63

to include additional reference to the currently proposed plans by Colliers for Lots 550-555

# Background

Pre-Lodgement Information

During the assessment of DS23/1169 and SF10804 stage 4 it became evident that the approved road layout for RA21/1003 would not align with that proposed under DS23/1169/SF10804. Following negotiations with their neighbour, this application has been submitted to ensure that the issue of road misalignment is resolved.

Following determination of this application, then, DS23/1169 and SF10804 stage 4 will be able to be resolved so that Council will then be able to support those applications too.

Post-Lodgement Information

A screenshot of a graph

AI-generated content may be incorrect.

Figure 4 - NSW Planning Portal Timeline

|  |  |  |
| --- | --- | --- |
| **Date** | **Action** | **Trim Ref** |
| 30/01/2025 | DA Lodged |  |
| 03/02/2025 | DA assigned to DAO | D25/43812 |
| 03/02/2025 | DA vetted | D25/44002 |
| 10/02/2025 | GIS referral response | D25/48813 |
| 14/02/2025 | Devpt Eng referral response | D25/48812 |
| 14/02/2025 | Shoalwater referral response | D25/48811 |
| 15 Feb – 17 March 2025 | Notification |  |
| 17/02/2025 | EE response | D25/66246 |
| 25/02/2025 | RFS response | D25/81390 |
| 28/02/2025 | Additional Information Uploaded – revised letter (additional conditions to be modified) | D25/88560 |
| 03/03/2025 | Planning portal updated |  |
| 02/04/2025 | Eng referral comments |  |
|  | Email to / from app re; Eng recommendations |  |
| 31/03/2025 | Assessment & Determination to peer review | D25/44000  D25/48079 |
| 03/04/2025 | Peer review |  |
|  | Briefing report uploaded to Portal |  |
| 09/04/2025 | * NSW Regional Panel Briefing meeting * Assessment & determination uploaded to NSW Regional Portal for Panel |  |
|  | Notice of Determination issued |  |

Site History and Previous Approvals

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# Consultation and Referrals

|  |  |
| --- | --- |
| **Internal Referrals** | |
| **Referral** | **Comments** |
| Development Engineer  D25/48812 | No objection to proposed modification. Additional conditions recommended to be modified. Requested ability to view draft determination.  Additional condition changes were discussed with and supported by the applicant in email correspondence dated 2nd April 2025 (refer TRIM Ref No. D25/141918). |
| GIS  D25/48813 | Nil issues as numbering for this section of the subdivision has not yet been done, as a result the modification should not affect future numbering/addressing. |
| Shoalhaven Water  D25/48811 | Nil issues |

|  |  |
| --- | --- |
| **External Referrals** | |
| **Referral** | **Comments** |
| Endeavour Energy | No objection – standard EE conditions provided.  Standard condition re; referral was not included in original determination. However, cond 93 of consent requires provision of electricity in accordance with EE requirements. No modification of determination is required. |

Location of minor lot/road layout design change – referral to Heritage & DPE Water not warranted.

|  |  |
| --- | --- |
| **Integrated Development** | |
| **Agency** | **Recommendation** |
| NSW Rural Fire Service | Revised General Terms of Approval and a Bush Fire Safety Authority has been issued by NSW RFS (see D25/81390). CNR-78568 their ref: DA20220116000374-S4.55-3 date 25/03/2025 |

# Section 4.55(2) Other modifications

The proposed modification is considered a s4.55(2) modification. The following provides an assessment of the submitted application against the matters for consideration under Section 4.55(2) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

1. ***it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).***

Council is satisfied that the proposed modification would be substantially the same as the development which was originally approved.

The modified development will result in no significant changes and the proposal is considered to be quantitatively and qualitatively the same as the development as originally approved.

1. ***it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.***

The proposed modification does not involve modification to a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of approval.

1. ***it has notified the application in accordance with the Regulations or a DCP.***

The original application was notified. Submissions were received. Accordingly, this modification is required to also be notified. Level 3, notification, and advertisement for 30 days.

The application was notified as per provisions of EPAR.

Notification from 14 Feb – 17 March 2025.

Nil submissions were received

1. ***it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan.***

Nil submissions were received.

# Section 4.55(3) – Matters Relevant to the Application

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

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

1. **Environmental Planning Instruments**

|  |  |
| --- | --- |
| **EPI** | **Comment** |
| Shoalhaven Local Environmental Plan 2014 | The modification application raises no additional matters for consideration under *Shoalhaven LEP 2014.* |
| State Environmental Planning Policies | The modification application raises no additional matters for consideration under any applicable State Environmental Planning Policy*.* |

1. **Draft Environmental Planning Instrument**

|  |  |  |
| --- | --- | --- |
| **Draft EPI** | **Affected Clause / Provision** | **Comment** |
|  |  | The modification application raises no additional matters for consideration under any applicable draft Environmental Planning Instrument*.* |

1. **Any Development Control Plan**

|  |  |  |
| --- | --- | --- |
| **SDCP 2014**  **Chapter** | **Affected Clause / Provision** | **Comment** |
| Shoalhaven Development Control Plan 2014 |  | The modification application raises no additional matters for consideration under *Shoalhaven DCP 2014.*  The most relevant Chapters are NB3 and G11 – Subdivision. The proposed modification remains compliant. The proposed lots comply with area and dimension acceptable solutions. |

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

Whilst there are agreements pertaining to the parent subdivision, there are no planning agreements applicable to this application.

## Environmental Planning and Assessment Regulation 2021

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

## Other Shoalhaven Council Policies

*Shoalhaven Contribution Plan 2019*

The proposed modification does not alter s7.11 development contributions for the development because the number of lots approved/proposed are the same.

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

| **Head of Consideration** | **Comment** |
| --- | --- |
| Natural Environment | The proposed development as modified will not have a significant adverse impact on the natural environment. |
| Built Environment | The proposed development as modified will not have a significant adverse impact on the built environment. |
| Social Impacts | The proposed development as modified will not have a negative social impact in the locality. |
| Economic Impacts | The proposed development as modified will not have a negative economic impact in the locality. |

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

The site is found to remain suitable for the proposed development for the following reasons:

* The development is permissible with Council consent within the zone.
* The proposal supports the local zoning objectives.
* The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
* The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
* The intended use is compatible with surrounding/adjoining land uses

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

The modification application was notified. No submissions were received by Council during the notification period

**(e) The Public Interest**

The original approved proposal was considered to be in the public interest, and this proposed modification remains so also.

# Delegations

## Guidelines for use of Delegated Authority

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

The parent application being a Regional development.

# Recommendation

This application has been assessed having regard to the Heads of Consideration for Section 4.55 under the *Environmental Planning and Assessment Act 1979.* As such, it is recommended that Modification Application No.MA2025/1009 relating to Development Consent No. RA21/1003 be approved subject to the recommended modifications to the development consent as detailed below:

1. modification of consent to modify condition 1, to read as follows:

(note: dependant on MA24/1310 being determined prior to MA25/1009)

General (*modified by MA24/1082) MA24/1310 (modified MA25/1009)*

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

|  |  |  |  |
| --- | --- | --- | --- |
| Stamped Plans/Documents | Ref/Sheet No. | Prepared by | Dated |
| **Staging Plan** | **Drawing No. MKR00145-00-SK057** | **Maker ENG** | **19/04/23**  **(Revision 5)** |
| Lot Layout Plans | Drawing No.  MKR00145-10-C005 to C010 | Maker ENG | 16/09/2022 (Revision 6) |
| Lot Layout Plans – Stages 6 | Drawing Nos. 479-23G  ST7 L01 [00] – PLAN and  9-23G ST8 L02 [00] - PLAN | Colliers  International  Engineering &  Design NSW Pty Ltd | 09/07/2024  (Revision 00) |
| Lot Layout Plans – Stages 6 & 7 | Project No. AD2102  Drawing Nos. DA02 and  DA-11 | Ayling & Drury | 05/07/2024  (Revision H) |
| Lot Layout Plans - Lots 500-555 Stage 4 | Drawing nos 479-23G ST7 L01 [00] – PLAN and 9-23 ST8 L02[00] -PLAN | Colliers International Eng & Design NSW Pty Ltd | 09/07/2024 |
| 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)~~ |
| Landscape Plans | Project No. AD2102  Drawing No.DA-01-10 | Ayling & Drury | 13/10/2024  (Revision H) |
| 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 |

*As amended by the following plans applying to Lots 500 – 555 and Road 19 in Stage 4.*

*These plans supersede the approved plans insofar as they relate to Lots 500 – 555 and*

*Road 19 in Stage 4:*

|  |  |  |  |
| --- | --- | --- | --- |
| Stamped Plans/Documents | Ref/Sheet No. | Prepared by | Dated |
| Plan of Proposed  Subdivision | 479-23G L04 [00] 1 of 1 | Colliers  International  Engineering &  Design NSW Pty  Ltd | 06/11/24  Rev B |
| Key Plan | 479-23C-DA-MOD-0004 | 25/11/24, Rev B |
| Bulk Earthworks Plan | 479-23C-DA-MOD-0051 | 25/11/24, Rev B |
| Bulk Earthworks Site  Sections Sheet 1 of 2 | 479-23C-DA-MOD-0061 | 25/11/24, Rev E |
| Bulk Earthworks Site  Sections Sheet 2 of 2 | 479-23C-DA-MOD-0062 | 25/11/24, Rev E |
| Road and Drainage Plan | 479-23C-DA-MOD-0101 | 25/11/24, Rev E |
| Road No.11 And No.19  Longitudinal Sections and  Road Typical Cross Section | 479-23C-DA-MOD-0201 | 25/11/24, Rev E |
| Catchment Plan | 479-23C-DA-MOD-0701 |  |
| Sediment and Erosion  Control Plan | 479-23C-DA-MOD-0901 | 25/11/24, Rev E |
| Sediment and Erosion  Control Details | 479-23C-DA-MOD-0902 | 25/11/24, Rev E |
| Bushfire Assessment  Report | Reference No. 250039B | Bushfire Hazard  Solutions | 4/11/2024 (Version 3) |

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

*Where there is discrepancy between the Colliers plans and the MAKER plans, that the Colliers Plan take precedence in relation to the works proposed within Lots 550-555 and the works within the adjacent road reserves.*

1. modification of consent to modify condition 9, to read as follows:

NSW Rural Fire Service (***modified by MA24/1082) (modified MA25/1009)***

The conditions of the General Terms of Approval issued by NSW Rural Fire Service, Reference No. DA20220116000374-s4.55-3, dated 25/02/2025, are included as conditions of this consent (as attached) and must be complied with.

1. modification of consent to modify condition 31

to amend the design to comply with the amended road plans as relevant to lots 550-555 and parts of roads 11 & 19

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

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and

specifications must be prepared by a professional engineer, (as defined in the National

Construction Code) or surveyor and approved by the Certifier.

The site filling design must comply with the following:

a) The site must be regraded generally in accordance with the concept bulk earthworks plan

by Maker ENG (Drawing No. MKR00145-10-C025, Revision 7, dated 13/10/2022) and where relevant to Lots 550 – 555and parts of Road 11 and 19, the Bulk Earthworks Plan 479-23C-DA-MOD-0051 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024, Rev B having an absolute minimum grade of 0.5%.

b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

1. modification of consent to modify condition 34

to be modified to amend the design to comply with the amended road plans as it relates to Lots 550 – 555, and the affected parts of Road 11 and 19.

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:

1. Council’s Engineering Design Specifications sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
2. AUSTROADS Design Requirements and Specifications.
3. 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 MKR00145-10C020 (Revision 6)), and where Relevant to Lots 550 – 555 and parts of Road 11 and 19, Civil Works Modification Plans 479-23C-DA-MOD-0004 and 479-23C-DA-MOD0101 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024, and amended as follows:
4. 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).
5. 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.
6. 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.
7. 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.
8. A compliant driveway access is to be demonstrated for Lot 238.
9. 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.
10. Integral kerb and gutter / layback kerb and gutter in accordance with Council’s Standard Drawings.
11. Frontages of all open space lots to be constructed with upright kerb and gutter.
12. 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.
13. 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.
14. 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.
15. modification of consent to modify condition 35

to amend the design to comply with the amended civil plans as relevant to lots 550-555 and parts of roads 11 & 19

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:

1. Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
2. Locations shown on the concept general arrangement plans by Maker ENG (Drawing No.MKR00145-10-C015 (Revision 6), MKR00145-10-C016 (Revision 7), MKR00145-10-C017 (Revision 6), MKR00145-10-C018 (Revision 7), MKR00145-10-C019 (Revision 6) and MKR00145-10-C020 (Revision 6)), and Civil Works Modification plans 479-23C-DAMOD-0004, 479-23C-DA-MOD-0101 and 479-23C-DA-MOD-0201 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024 with:
3. 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.

1. 3% cross fall from the boundary to top of kerb.
2. match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
3. kerb ramps at intersections in accordance with Council’s Engineering Design Specifications.
4. 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.
5. Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh
6. Cross section design to be provided from road centreline to the boundary at each driveway access point.
7. modification of consent to modify condition 38

to amend the design to comply with the amended drainage plans as relevant to lots 550-555 and parts of roads 11 & 19

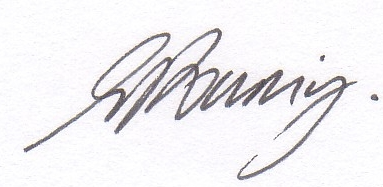
Prior to the issue of a Subdivision Works Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage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

1. 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.
2. The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
3. Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6)) and where relevant to Lots 550 – 555 and parts of Road 11 and 19, Civil Works Modification plans 479-23C-DA-MOD-0101 and 479-23C-DA-MOD0701 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024, except where specified by relevant conditions of consent.
4. 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.
5. Inter-allotment drainage is to be provided for all lots within the subdivision which do not achieve fall to the street.
6. Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.
7. modification of consent to modify condition 63

to include additional reference to the currently proposed plans by Colliers for Lots 550-555

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), and where relevant to Lots 550 – 555 and parts of Road 11 and 19, Civil Works Modification plans 479-23C-DA-MOD-0101 and 479-23C-DA-MOD0701 prepared by Colliers International Engineering & Design NSW Pty Ltd, Rev B dated 25.11.2024

All other conditions are to remain unchanged.



**Elizabeth Downing**

**Senior Development Planner**

**City Development**

**31/03/2025**

## Reviewers Comments

The application has been reviewed, and the recommendations of the report are concurred with. Section 7.11 contributions (in this case, no change) have been reviewed and agreed to.



**Justin Lamerton**

**Lead – Development Services North**

**City Development**

**9/04/2025**