

**COUNCIL ASSESSMENT REPORT
SOUTHERN REGIONAL PLANNING PANEL**

Panel Reference	PPSSTH-485
PAN	PAN-514904
CNR	CNR-81018
Application Number	MA25/1063
Parent DA/SF Number	RA21/1003
LGA	Shoalhaven City Council
Proposal	S4.55(2) to RA21/1003 Amendments to the approved drainage strategy, including a new drainage pipe will be installed from the north-eastern corner to the outlet of Wetland A, adjacent to the western boundary of lots 550-555. The swale on the north will be updated to improve functionality. The upper wetland will be lowered by half a meter, with the outlet also adjusted accordingly. Changes will be made to the south-western swale to facilitate better flood management. And the removal of the 3-tiered sandstone wall.
Address	Lot 418 & 417 DP 1307813 Taurus Street BADAGARANG Lot 240 DP 1295656 Taylors Lane Badagarang Lot 1271 DP 1264383 Main Rd Badagarang Lot 1, 2 & 3 DP 1289976 Main Rd Badagarang Lot 1 DP 1281802 Taylors Lane Badagarang Lot 126 DP 1283303 Alpha Rd Badagarang Lot 3 DP 1281802 Taylors Ln Badagarang <i>formerly:</i> <i>Taylors Lane CAMBEWARRA – Lot 2 DP 1256748</i> <i>Taylors Lane CAMBEWARRA – Lot 1191 DP 1256749</i> <i>15A Main Road CAMBEWARRA – Lot 1271 DP 1264383</i> <i>126 Taylors Lane CAMBEWARRA – Lot 61 DP 1281131</i> <i>49 Hockeys Lane CAMBEWARRA – Lot 1 DP 1281802</i> <i>Taylors Lane CAMBEWARRA – Lots 2 & 3 DP 1281802</i> <i>41A Main Road CAMBEWARRA – Lot 1 DP 1289976</i> <i>Main Road CAMBEWARRA – Lot 2 DP 1289976</i> <i>15 Main Road CAMBEWARRA – Lot 3 DP 1289976</i> <i>41 Main Road CAMBEWARRA – Lot 4 DP 1289976</i>
Applicant	Michael Braithwaite from Newquest Property on behalf of The Trustee for NewPro 23 Unit Trust
Owner	Newpro 23 Pty Ltd

	SCC S Hay E J Reid E W Mobbs																																				
DA Lodgement Date	28/03/2025																																				
Application type	Modification (s4.55(2)) to Approved Development																																				
Regionally Significant Criteria	Schedule 6 Section 3(b) – Council related development over \$5 million The development has a capital investment value (CIV) of more than \$5 million.																																				
Capital Investment Value	Parent DA RA21/1003 \$24.4m (excluding GST)																																				
Relevant Planning Matters	Shoalhaven Local Environmental Plan 2014 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 Shoalhaven Development Control Plan 2014																																				
Documents Submitted for Consideration	Refer to table below for full reference details: <table><tr><th>Document</th><th>Reference and Date</th><th>Trim Ref</th></tr><tr><td>Appendix 1</td><td>Modification Report with Appendices Ref: 131306 dated 10/02/2025</td><td>D25/136523</td></tr><tr><td>Appendix 2</td><td>Amended Modification Report Ref: 131306 dated 07/07/2025</td><td>D25/297931</td></tr><tr><td>Appendix 3</td><td>Civil Works Drainage Plan Dwg Ref 479-23C-DP0001 Rev C dated 13.06.2025</td><td>D25/297929</td></tr><tr><td>Appendix 4</td><td>letter from Colliers International dated 25.06.2025 in reply to RFI</td><td>D25/297928</td></tr><tr><td>Appendix 5</td><td>letter from Colliers International dated 11.12.2024 in reply to RFI</td><td>D25/136522</td></tr><tr><td>Appendix 6</td><td>Flood Impact Assessment Report by Colliers International Monday 14 October 2024</td><td>D25/136525</td></tr><tr><td>Appendix 7</td><td>Letter from Colliers International dated 25/06/2025 - Flood / Water Quality issues</td><td>D25/297928</td></tr><tr><td>Appendix 8</td><td>Amended Landscape Plans – Stage 6 by Ayling Drury AD2507 Rev D dated 22.10.2025 (Dwg. SWC-01, SWC-02 SWC-03 SWC-04 SWC-05 SWC-06 SWC-07 SWC-08 SWC-09 SWC-10)</td><td>D25/508367 &</td></tr><tr><td>Appendix 9</td><td>Amended DA Landscape Package by Ayling Drury AD2102 Rev J dated 22.10.2025 (Dwg DA-01, DA-02, DA- 03, DA-04, DA-05, DA-06, DA-07, DA- 08, DA-09, DA-10, DA-11)</td><td>D25/508370</td></tr><tr><td>Appendix 10</td><td>Vegetation Management Plan – Ecoplanning dated 21 March 2025 Version 1.1 Final</td><td>D25/437247</td></tr><tr><td>Appendix 11</td><td>Draft Consolidated Consent</td><td>D25/243902</td></tr></table>	Document	Reference and Date	Trim Ref	Appendix 1	Modification Report with Appendices Ref: 131306 dated 10/02/2025	D25/136523	Appendix 2	Amended Modification Report Ref: 131306 dated 07/07/2025	D25/297931	Appendix 3	Civil Works Drainage Plan Dwg Ref 479-23C-DP0001 Rev C dated 13.06.2025	D25/297929	Appendix 4	letter from Colliers International dated 25.06.2025 in reply to RFI	D25/297928	Appendix 5	letter from Colliers International dated 11.12.2024 in reply to RFI	D25/136522	Appendix 6	Flood Impact Assessment Report by Colliers International Monday 14 October 2024	D25/136525	Appendix 7	Letter from Colliers International dated 25/06/2025 - Flood / Water Quality issues	D25/297928	Appendix 8	Amended Landscape Plans – Stage 6 by Ayling Drury AD2507 Rev D dated 22.10.2025 (Dwg. SWC-01, SWC-02 SWC-03 SWC-04 SWC-05 SWC-06 SWC-07 SWC-08 SWC-09 SWC-10)	D25/508367 &	Appendix 9	Amended DA Landscape Package by Ayling Drury AD2102 Rev J dated 22.10.2025 (Dwg DA-01, DA-02, DA- 03, DA-04, DA-05, DA-06, DA-07, DA- 08, DA-09, DA-10, DA-11)	D25/508370	Appendix 10	Vegetation Management Plan – Ecoplanning dated 21 March 2025 Version 1.1 Final	D25/437247	Appendix 11	Draft Consolidated Consent	D25/243902
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Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative sections requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Section 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the Modification require Special Infrastructure Contributions conditions (S7.24)?	No (No changes to lot layout/design)
Conditions Have draft conditions been provided to the applicant for comment?	Yes

**Section 4.55 Assessment Report***Environmental Planning & Assessment Act 1979***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	1/04/2025		
Peer Review Officer	Justin Lamerton	28/11/2025		
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form?	No		
Councillor Representations	Councilor	Date		TRIM Reference
	Nil			
Delegation Level Required	Regional Planning Panel			

Parent DA/SF Number	RA2021/1003
MA Number	MA2025/1063
PAN	PAN-514904
Property Address	Taurus Street BADAGARANG - Lot 1271 DP 1264383 Lot 1 & 3 DP 1281802 Lot 1, 2 & 3 DP 1289976 Lot 126 DP 1283303 Part Lot 240 DP 1295656 Lot 417 & 418 DP 1307813
Proposal	S4.55(2) to RA21/1003 - Amendments to the Approved Drainage Strategy, Including: New Drainage Pipe will be Installed from North-Eastern Corner to the Outlet of Wetland A, Adjacent to the Western Boundary of Lots 550-555. The Swale on the North will be Updated to Improve Functionality. The Upper Wetland will be Lowered by Half a Meter, with the Outlet also Adjusted Accordingly. Changes will be made to South-Western Swale to Facilitate Better Flood Management. Removal of 3-Tiered Sandstone Wall.
Applicant(s)	The Trustee for NewPro 23 Unit Trust
Owner(s)	Shoalhaven City Council
Owner's consent provided?	Yes
Date Lodged	28/03/2025

Date of site inspection	30/05/2025	
Date clock stopped	26/05/2025	
Date clock started	1/10/2025	
RFIs	<i>Additional Information</i>	<i>Outcome</i>
	RFI 1 26/05/2025 D25/229317 - Consistent plans - Confirmation re: RFS GTA - Revised landscape plan requested - Recommend MA include mod to cond 84 RFI 2 D25/426423 - Condition 7 to be included in mod - Tree removal - revised plan or BDAR - VMP clarification - Revised landscape plan requested	Revised plans submitted 07/07/2025 Revised plans submitted 20/08/2025 Revised plans submitted 01/10/2025 Revised landscape plan submitted 23/10/2025
Related Application in NSW Planning Portal?	☒ Concurrence and/or external agency referral CNR-81018 ☐ Section 68 - no ☐ Section 138 – no ☐ Construction Certificate - no	
Number of submissions	One (1) <i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>	

1. Detailed Proposal

Approval History

Application	Approval date	Approval Body	Trim Ref
RA21/1003	15/03/2023	SRPP	
DS23/1280	03/10/2023	SCC	D23/401525
MA24/1082	04/09/2024	SCC (with delegated authority)	D24/384911
MA24/1310	09/04/2025	(Delegation to SCC declined) - SRPP	D25/152886
MA25/1009	15/04/2025	SRPP	D25/161918
MA25/1063	Current application	SRPP	

Original Consent issued for 258 lots, (MA24/1031 – 262 lots)
 Staged residential subdivision in URA to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping. **The consent has been secured** – the subdivision has proceeded, works have commenced and lots from this subdivision have already been released

Consent Trim References:

<i>Development Consent:</i>
MA25/1063 – draft consolidated consent - D25/243902

MA25/1009 approved – consolidated consent D25/161918
MA24/1310 approved – consolidated consent D25/152886
MA24/1082 approved - consolidated consent D24/384911
DS23/1280 approved 03/10/2023 – consolidated consent D23/401525
RA21/1003 – original consent – D23/101174
Approved Plans and Documents:
<u>MA25/1009</u> - plans – D25/161946, D25/136244, D25/136237
<u>MA24/1310</u> – plans – D25/152931
<u>MA24/1082</u> - plans – D24/343200, consent D24/384911
<u>DS23/1280</u> - No changes to plans
<u>RA21/1003</u> - Approved plans
D23/101473 - WMP
D23/101462 - ACHIA
D23/101427 – ADA
D23/101406 - BDAR
D23/101373 - BFAR
D23/101363 - IWCMS
D23/101335 – OSD memo
D23/101283 – Plans

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. As per the applicants' s4.55 report (D25/297931) The application proposes to make the following modifications to the development consent.

Amendments to the approved drainage strategy, including a new drainage pipe will be installed from the north-eastern corner to the outlet of Wetland A, adjacent to the western boundary of lots 550-555. The swale on the north will be updated to improve functionality. The upper wetland will be lowered by half a meter, with the outlet also adjusted accordingly. Changes will be made to the south-western swale to facilitate better flood management. And the removal of the 3-tiered sandstone wall.

“The Modified Proposal includes the necessary modification of Conditions 1, 7, 9, 31, 38, 39, 41, 42, 43, 44, 45, 46A, 46B, and 63 of RA21/1003, as well as necessary modifications to the General Terms of Approval under Condition 7 and 9 provided by the Department of Water and Rural Fire Service respectively to reflect the updated landscaping and design under this modification. The proposed changes to the consent is outlined in Section 3.0 of this consent, while the proposed amendments to the wording within the consent is at Appendix 1.”

To modify conditions 1, 7, 9, 31, 38, 39, 41, 42, 43, 44, 46B & 63, and to delete conditions 45 & 46A.

Note: Rev C of the WSUD report has removed the proposed modification of Conditions 45 and 46A

a) to modify condition 1 to read as follows:

Stamped plans/Documents	Ref/Sheet No.	Prepared by	Dated
Staging Plan	MKR00145-00-SK057	Maker ENG	19/04/23 (Revision 5)
Lot Layout Plans	Drawing No. MKR00145-10-C005 to C010	Maker ENG	16/09/2022 (Revision 6)
General Arrangement Plans	Drawing No. MKR00145-10- C015 to C020	Maker ENG	6/09/2022 (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)
Civil Works Drainage Plan	Drawing Nos. 479-23C-DP-0001, 479-23C-DP-0004, 479-23C-DP-0101, 479-23C-DP-0102, 479-23C-DP-0103, 479-23C-DP-0301, 479-23C-DP-0302, 479-23C-DP-0711, 479-23C-DP-0712, 479-23C-DP-0713, 479-23C-DP-0714, 479-23C-DP-0715 & 479-23C-DP-0716	Colliers International Engineering & Design NSW Pty Ltd	13/06/2025 Issue C
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 – Stage 6	AD2507 Dwg. SWC-01, SWC-02 SWC-03 SWC-04 SWC-05 SWC-06 SWC-07 SWC-08 SWC-09 SWC-10	Ayling Drury	22.10.2025 (Revision D)
Landscape Plans	Project No. AD2102 Drawing No. Dwg DA-01, DA-02, DA-03, DA-04, DA-05, DA-06, DA-07, DA-08, DA-09, DA-10, DA-11	Ayling & Drury	22.10.2025 (Revision J)
Notes: - Stage 6 Landscape Package- No further comments on the stage 6 landscape plans - Entire Landscape Package- - The planting schedule includes two plant mix A. It is recommended that the second plant mix be changed to plant mix B to avoid confusion. Plant mix B currently referred to within the key			

as <i>Proposed Riparian and Remediation Vegetation (Plant Mix B)</i> should be changed to <i>Proposed Riparian and Remediation Vegetation (Revegetation in accordance with relevant VMP)</i>. b) The Landscape Plan should make reference to the E3 revegetation in accordance with the required VMP, particularly on plan DA-07. It is noted that there is some screen planting along Main Road (<i>Ceratopetalum gummiferum</i>), however these planting would not replace E3 revegetation required by the consent conditions.”			
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
Letter from Colliers	Project 479-23	Colliers International Engineering & Design NSW Pty Ltd	25.06.2025
Flood Impact Assessment Report	-	Colliers International Engineering & Design NSW Pty Ltd	14/10/2024 (issue A)
Vegetation Management Plan	-	Ecoplaning	March 2025

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

Stamped Plans/Documents	Ref/Sheet No.	Prepared by	Dated
Lot Layout Plans – Stages 6 and 7	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)
Landscape Plan – Stages 6 and 7	Project No. AD2102 Drawing Nos. DA02 and DA-11	Ayling & Drury	05/07/2024 (Revision H)

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

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

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

b) to modify condition 7 to read as follows:

The conditions of the General Terms of Approval issued by the Department of Planning and Environment – Water, Reference No. **IDAS-2025-10422, dated 12 August 2025**, are included as conditions of this consent (as attached) and must be complied with.

- c) to modify condition 9 to read as follows:
The conditions of the General Terms of Approval issued by NSW Rural Fire Service, Reference No. **DA20220116000374-s4.55-4, dated 07 May 2025**, are included as conditions of this consent (as attached) and must be complied with.
- d) to modify condition 31 to read as follows:
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.
 - c) **The subdivision lots and roads for Stages 4 to 7 are to be in accordance with the engineering plans by Colliers Engineering & Design (Drawing No 479-23C-DP-0001 to 0716, revision C, dated, 13.06.2025.**

Notes: -

1. *Eng plans – Eng plans – updated during assessment to Rev C dated 13.06.2025*

- e) to modify condition 38 to read as follows:

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

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with concept stormwater layout plans by Maker ENG (Drawing No. MKR00145-10-C115 (Revision 6), MKR00145-10-C116 (Revision 7), MKR00145-10-C117 (Revision 6), MKR00145-10-C118 (Revision 7), MKR00145-10-C119 (Revision 6) and MKR00145-10-C120 (Revision 6)) **and the engineering plans by Colliers Engineering & Design (Drawing No 479-23C-DP-0001 to 0716, revision C, dated, 13.06.2025**, 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.

Notes: -

2. *Eng plans – Eng plans – updated during assessment to Rev C dated 13.06.2025*

- f) to modify condition 39 to read as follows:

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) and**
- c) **The engineering letter by Colliers Engineering & Design (479-23-DA-Modifications-Memo, dated 11/12/2024 and engineering plans by Colliers Engineering & Design (revision C, dated, 13.06.2025).**

Notes: -

3. *Eng plans – Eng plans – updated during assessment to Rev C dated 13.06.2025*

g) to modify condition 41 to read as follows:

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) ~~Deleted. 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)).~~
- e) Southern biobasin to be constructed as per the engineering plans by Colliers Engineering & Design (Drawing No 479-23C-DP-0001 to 0716, revision C, dated, 13.06.2025).

Notes: -

4. *Eng plans – Eng plans – updated during assessment to Rev C dated 13.06.2025*

h) to modify condition 42 to read as follows:

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 **in accordance with the Flood Impact Assessment prepared by Colliers International Engineering & Design NSW Pty Ltd, dated 13.06.2025, Issue C:**

- 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 proposed cutoff drain must be designed to reduce flood hazard as far as practically possible and include public risk mitigation measures to Council's approval, such as timber post fencing or similar, where the velocity – depth product exceed $0.3\text{m}^2/\text{s}$.
- h) All fences must be designed with openings below the Flood Planning Level to allow free flow of floodwater.

Notes: -

5. Eng plans – updated during assessment to Rev C dated 13.06.2025

6. 42g) Flood Eng recommended re-wording, not deletion.

- i) to modify condition 43 to read as follows:

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 and one~~ grassed swales ~~s-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.

Notes:

- 1. 43a) – trash racks to remain, as per Flood unit advice.
- 2. 43f) – comments re: trash rack to remain.

- j) to modify condition 44 to read as follows:

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) *Sufficient planting to be installed along all edges of the wetlands to prevent public access to the waterbodies during flood events, in accordance with Landscape Plans DA-01 and DA-02 (ayling drury landscape architecture dated 22-10-20025).*
- m) Councils Engineering Design Specification where relevant.

Notes:

- 1. *Rev C of this report has removed the proposed modification of Conditions 45 and 46A*
- 2. *Whilst the applicant originally requested deletion of 44l), Council's Flood Eng recommended re-wording, to ensure sufficient planting is provided (as per amended plan)..*

- k) to modify condition 46B to read as follows:

Prior to the issue of a Subdivision Works Certificate for the stage of development which includes construction of the swale downstream of the trunk drainage, a Risk Assessment and detailed design of the swale 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 Risk Assessment and design is to be approved by Council's Lead Floodplain Engineer. Specifications can be found on Council's website.

The Risk Assessment is to include the following at a minimum:

- a) Assess the safety design criteria in accordance with Australian Rainfall and Runoff 2019 guidelines.

- b) ~~Deleted. Outline methods to manage risks within and around the swale through design and operation to the satisfaction of Council. All methods must be implemented in the design of the swale.~~
- c) ~~Deleted. Include benching the edge of the channel to provide a buffer of lower hazard (maximum Hazard Category H2) either side of the main channel (maximum Hazard Category H5).~~
- d) ~~Deleted. Increase the width of the H5 hazard category aspect of the design to decrease the overall width of the channel, given that there is a safe evacuation point through the H2 hazard area.~~
- e) Any variations ~~to (a) to (d)~~ must be accepted by Council's Lead Floodplain Engineer.

Notes

1. *Not mentioned in referral comments. Confirmation from Flood Eng sought and provided – D25/551721*

l) Modify condition 50A

See Biodiversity 3rd referral D25/438432
(Biodiversity recommended)

Prior to the issue of the Subdivision Works Certificate for stage 7, 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) Planting within and around the wetlands on the Council reserve (Part Lot 240 DP 1295656, Part Lot 127 DP 1283303 and Lot 126 DP 1283303)*

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, 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 for Stage 7. VMP works must commence at the approval of the document.

m) to modify condition 63 to read as follows:

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 the engineering plans by Colliers Engineering & Design (Drawing No 479-23C-DP-0001 to 0716, revision C dated, 13.06.2025).~~

Notes

1. *Not mentioned in referral comments. Confirmation from Flood Eng sought and provided – D25/55171*
2. *Eng plans – updated during assessment from engineering plans by Colliers Engineering & Design (Drawing No 479-23C-DP-0001 to 0716, revision B, dated, 05.12.2024 to revision C dated, 13.06.2025*

- n) Modify condition 84
 See Biodiversity 3rd referral D25/438432
 (Biodiversity recommended)

1. All planting and other initial vegetation management works within Part Lot 240 DP 1295656 (northern sections), Part Lot 127 DP 1283303 and Lot 126 DP 1283303 as specified in the approved Vegetation Management Plan for those areas, must be completed prior to the issue of a Subdivision Certificate for Stage 7.
2. All planting and other initial vegetation management works within riparian corridor along Good Dog Creek and C3 zoned land on Lot 3 DP 1289976, Lot 4 DP 1289976 and Lot 1 DP 1281802 as specified in the approved Vegetation Management Plan for those areas, must be completed prior to the issue of a Subdivision Certificate for Stage 4.
3. All planting and other initial vegetation management works within Part Lot 240 DP 1295656 (southern sections) and Lot 3 DP 1281802 as specified in the approved Vegetation Management Plan (Ecoplaning March 2025) for those areas, must be completed prior to the issue of a Subdivision Certificate for Stage 6.

2. Background

Pre-Lodgement Information

No prelodgement advice sought

Post-Lodgement Information

Reference number	Milestone	Date
1	Application submitted	28/02/2025
2	Additional Information was requested	24/03/2025
3	Additional Information was provided	26/03/2025
4	Additional Information was requested	27/03/2025
5	Application lodged	28/03/2025
6	Additional Information was provided	28/03/2025
7	Planning Panel initiated	02/04/2025
8	Additional Information was requested	26/05/2025
9	Additional Information was provided	13/06/2025
10	Additional Information was requested	16/06/2025
11	Additional Information was provided	07/07/2025
12	Additional Information was requested	25/09/2025
13	Additional Information was provided	01/10/2025

Figure 1 - Portal Milestones

Timeline

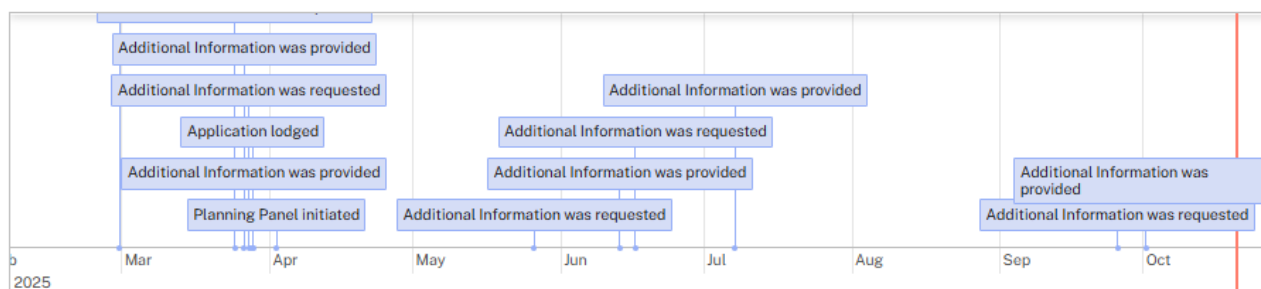


Figure 2 - Portal Timeline

DA/Modification History

Date	Event
28/02/2025	Mod submitted
28/03/2025	Mod lodged
01/04/2025	Mod assigned to DAO
07/04/2025	Vetting completed
17/04/2025	Heritage NSW referral comments received
22/04/2025	Property referral 1 comments received
24/04/2025	Shoalhaven Water referral comments received
29/04/2025	Endeavour Energy referral comments received
02/05/2025	Property referral 1 comments received
02/05/2025	Strategic referral issued (at request of Property)
02/05/2025	Open Space referral 1 comments received
07/05/2025	Flood Eng referral 1 comments received
07/05/2025	RFS referral response received
16/05/2025	Strategic referral comments received
21/05/2025	Bio referral 1 comments received
22/05/2025	Dev Eng referral 1 comments received
26/05/2025	RFI 1 to applicant
28/05/2025	Note from Planning Panel meeting Application to straight to determination, no briefing or inspection required
29/05/2025	DPIE Water referral response
13/06/2025	Extension of time to reply to RFI requested by applicant
16/06/2025	Extension of time given to app to reply to RFI, now due 30/07
07/07/2025	Revised plans received
09/07/2025	Referrals issued (again)
23/07/2025	Open Space referral 2 comments received
24/07/2025	Flood Eng referral 2 comments received
29/07/2025	RFS referral response
06/08/2025	Update to applicant with Open Space & Flood comments
06/08/2025	Questions from app re: update of 06/08/25
06/08/2025	Response to app's questions from 06/08/2025
06/08/2025	Dev Eng referral 2 comments received
11/08/2025	Update from app re: attending to landscape and flood issues
12/08/2025	DPIE Water referral response
20/08/2025	Additional information from applicant – addressing flood issues
22/08/2025	Biodiversity referral 2 comments received
2/08/2025	Email to app confirming revised landscape plan referred to Engineers & property
16/09/2025	Email from app seeking update

16/09/2025	Reply to app – reconfirming revised landscape plan had been referred, and have chased referrals
16/09/2025	Thanks from app for update
25/09/2025	RFI 2 to applicant
29/09/2025	Update sent to Planning Panel
01/10/2025	Revised landscape plan and VMP submitted
02/10/2025	Revised landscape plan and VMP referred
03/10/2025	Acknowledgement from Planning Panel
13/10/2025	Call from applicant for update
13/10/2025	Reply to applicant with update -
17/10/2025	Biodiversity referral 3 comments received
20/10/2025	Clarification from flood eng sought / provided
20/10/2025	Email to applicant – additional landscape detail sought / app response / clarification from Flood Eng sought.
21/10/2025	Call with applicant / confirmation with Flood Eng revised landscape plan to be provided
23/10/2025	Email from app with revised landscape plan
27/10/2025	Email from Panel seeing update / update to Panel / thanks from Panel for update
29/10/2025	Flood referral 3 comments received
29/10/2025	Email to applicant with Flood comment and question re: cond 44l)
30/10/2025	Email from applicant – agreeable to mod of cond 44l)
07/11/2025	Update request from applicant / update to applicant
11/11/2025	Biodiversity referral 4 comments received
14/11/2025	Call from applicant to Lead (not DAO)
14/11/2025	Update to applicant
21/11/2025	Update to Planning Panel
21/11/2025	Clarification from flood eng sought
21/11/2025	Draft assessment and draft determination to peer review.
28/11/2025	Peer review completed

Site History and Previous Approvals

Since white settlement of the Shoalhaven area, the site had an extended history of agricultural land use. Since then, the land was included in an Urban Release Area, and approved for residential subdivision. That subdivision (RA21/1003) has commenced, with several stages completed with residential development constructed thereon. There have been a number of modifications issued with respect to this development, the following table summarises the development thus far.

Application	Date	Trim Ref	Development / Modification
RA21/1003	15/03/2023	D23/101174	Staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping
DS23/1280	03/10/2023	D23/401525	Condition 46 - WSUD measures, vegetated swales Condition 46B inserted – trunk drainage
MA24/1082	03/09/2024	D24/384911	Conditions 1, 2, 8, & 77 – staging
MA24/1310	09/04/2025	D25/152886	Conditions 1, 7, 8, 9, 38, & 77 – lot layout stages 6 & 7 Condition 46A inserted – WSUD treatment swale – stage 7
MA25/1009	15/04/2025	D25/161918	Conditions 1, 2, 9, – staging & landscaping plans

			Condition 31 – bulk earthworks plans Condition 34 – revised road design plan – (intersection issue with adjoining land resolved) Condition 35 - revised cycleway & footpath design plan – (intersection issue with adjoining land resolved) Condition 39 – to reflect revised staging and intersection details Condition 63 – to reflect revised staging
MA25/1063	Current application		To amend the drainage design and public open space of the approved development relating to Stages 4 to 7 (as modified) as follows: 1) Amendments to the approved drainage strategy, including: • Installation of a Drainage Pipe: A new drainage pipe will be installed from the northeastern corner to the outlet of Wetland A, adjacent to the western boundary of lots 550-555. • Swale Updates: The swale on the north will be updated to improve functionality. • Lowering Wetland Levels: The upper wetland will be lowered by half a meter, with the outlet also adjusted accordingly. • Amendments to the South-Western Swale: Changes will be made to facilitate better flood management. • Removal of Three-Tier Wall: The existing three-tier wall and the swale in the south basin will be removed to facilitate more open space area for future residents. 2) Amendment of the landscaping design and embellishment for public open space pocketpark to the west of the central open space.

3. Consultation and Referrals

Internal Referrals	
Referral	Comments
Development Engineer	<i>I have reviewed the stormwater and flooding related changes in consultation with the Floodplain and Water Quality Engineer – refer to comments provided under their referral D25/303425.</i> <i>I also support the comments within the Open Space & Rec. Planning referral (D25/303427) regarding the re-instatement of the pedestrian link.</i> <i>It would be most preferable that revised plans are provided to address these comments prior to determination.</i> <i>I would be happy to work with the DAO to provide final modified conditions.</i>

	Revised plans were requested and submitted. Eng latest referral (D25/374570) confirmed no objection from Engineers.
Biodiversity	Comments provided by Bio team total of 4 times Revised plans submitted and reviewed. D25/438432 comments - • Tree removal now avoided on revised plans. • Revised condition 40A VMP provided • Revised condition 84 provided (revised conditions agreed to by applicant) Most recent comments (D25/510879) “Stage 6 Landscape Package- No further comments on the stage 6 landscape plans Entire Landscape Package- a) The planting schedule includes two plant mix A. It is recommended that the second plant mix be changed to plant mix B to avoid confusion. Plant mix B currently referred to within the key as <i>Proposed Riparian and Remediation Vegetation (Plant Mix B)</i> should be changed to <i>Proposed Riparian and Remediation Vegetation (Revegetation in accordance with relevant VMP)</i>. b) The Landscape Plan should make reference to the E3 revegetation in accordance with the required VMP, particularly on plan DA-07. It is noted that there is some screen planting along Main Road (<i>Ceratopetalum gummiferum</i>), however these planting would not replace E3 revegetation required by the consent conditions.” Revised Landscape Plan package submitted which includes an appropriate reference to revegetation of the areas denoted as Wetland A and B.
Open Space & Rec Planning	<i>Proposed Landscape Plans (ref. SWC-04 (Rev. B), badged DRAFT ONLY) illustrate changes to landscaping solutions for embellishments of the open space located at the junction of Road 10 and Road 11.</i> <i>It is acknowledged that, on balance, the changes illustrated in Rev. B of SWC-04 do generally align with the principles discussed with the Proponent’s representatives in coordination meetings held in relation to the related Works in Kind Agreement.</i> <i>However, it is noted these changes (as illustrated in Rev. B of SWC-04 and related drawings) are not yet accompanied by a written description in related modification request documentation.</i> <i>Approved landscape plans (ref. DA-07 (Rev. G) and related plans) clearly illustrate a pedestrian connection (sealed footpath) between the ‘southern loop path’ encircling Wetland B (future stage) and the perimeter footpath encircling the Village Green / Pocket Park. It is noted this connection is missing from proposed landscape plans.</i>

	Comment – revised plans as per Open Space & Rec Planning was requested and provided. Most recent referral comments confirm satisfaction with proposed landscape plan
Flood Unit	<i>Council's initial comments are highlighted in blue, Collier's response in green (25/06/25) and Council's new comments (24/07/25) in red below.</i> • <i>More design details are required regarding the proposed lowering of wetland A. The lowering of the wetland would result in a greater wetland footprint in the public open space to ensure Melbourne Water's Wetland Design Manual is complied with regarding safe batters. The current design was developed through a balance between achieving water quality objectives, retaining trees, public amenity, and available public open space. Plans and cross sections illustrating the impacts of the proposed changes are required to be provided to Council for consideration. Will the increase in depth of OSD available in the wetland require a reconfigure of the controlled outlet from the wetland (i.e., dimensions and levels of the orifices to ensure similar outcome is achieved)?</i> ○ <i>Plan and cross section demonstrating the proposed changes to Wetland A have been provided in Annexure A of this letter (refer to drawing no 0302). The proposed lowering of the wetland will only reduce the area of the base, while the overall footprint of the wetland at the park/open space level will remain unchanged. Therefore, this adjustment does not impact water quality objectives, retained trees, public amenity or available public open space. The controlled outlet system largely remains the same to previous design, with only the pit surface levels and associated orifices lowered 650mm. Details of the pit outlet changes have been incorporated into sheet 0302.</i> ▪ Noted and supported. No further comments. • <i>Consent Condition 42g) – recommend rewording condition to “the realigned unnamed waterway and proposed cutoff drain must be design to reduce flood hazard as far as practically possible.” If a velocity – depth product of not exceeding 0.3m²/s cannot be achieved, what other safety measures are being proposed to ensure public safety is not jeopardised during a flood event? It is noted that the provided reports state that the flood hazard in the open swales is similar to the historic waterway (before it was realigned). However, the historic waterway used to drain through agricultural land, whilst the swales will be adjacent to a residential area, which results in a very different risk profile for public safety.</i> ○ <i>We agree with the recommended rewording of this condition, as outlined in the comment above. Protective fencing has been proposed and approved under DA:RA21/1003 along the edge of the swale. Please refer to the screenshots below for the stamped landscape plans. Additionally, flood warning signs will be installed along the swale edge to alert the public during heavy rain events. These</i>

	<i>signs will be documented in the engineering plans for the relevant stages.</i> ▪ <i>Noted and supported. Recommend rewording the condition to “the proposed cutoff drain must be designed to reduce flood hazard as far as practically possible and include public risk mitigation measures to Council’s approval, such as timber post fencing or similar, where the velocity – depth product exceed 0.3m²/s.”</i> • <i>Consent Condition 43 a) & f) a trash rack is proposed at the outlet to the south-western grassed swale. Condition to remain.</i> ○ <i>Agree.</i> ▪ <i>Noted. No further comments.</i> • <i>Consent Condition 44 l) DCP Chapter G2 requires the depth of ponding not to exceed 1200mm from a safety perspective. More information is required relating to the proposed lowering of wetland A and how this may impact the overall design. Importantly, further information is required to outline how potential public safety issues are to be addressed for Council to consider removing this condition.</i> ○ <i>As the outlet pit surface levels are lowered by 650mm, both the nominal water level (NWL) and the top of extended detention depth (TEDD) will also decrease by 650mm. This ensures that the depth of ponding remains consistent with the original design, meaning the proposed change does not introduce new public safety risks compared to the previously approved design. Additionally, the majority of the wetland area maintains a ponding depth of less than 1200mm. The shallow sections of the safety benches along the edges and the marsh zones in the center (as shown in the section on sheet 0302) provide safe egress for potential falls into the wetlands. Based on these clarifications, we believe this condition can be removed.</i> ▪ <i>It is noted that the TEDD is the level of the extended detention depth for water quality purposes and does not reflect the peak water level from detention during a 1% AEP event. As the purpose of lowering the wetland is to increase OSD storage, it is expected that the ponding depth will increase also when the wetland is operating as a detention basin. It is proposed to remove consent condition 44 l) as a result of lowering the wetland. This is not supported. The applicant is to provide information regarding the peak depth of ponding (being the flood depth above 52.35m AHD, noting that the approve OSD memo allowed for 50% of TEDD volume to be available for detention). Is the peak water level in the basin during a 1% AEP event the same as previously, i.e., 53.86m AHD? Council may</i>
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	<i>consider removing the requirement of having a depth of ponding not exceeding 1200mm if there are other suitable safety in design considerations implemented, such as sufficient planting along the edges of the wetland to prevent access to the waterbody during flood events, to mitigate public risk.</i> • <i>Consent Condition 45 a) Condition to be retained. The design requires to include a high flow bypass of the GPT and biobasin for flows exceeding the 4 EY event. This is currently not incorporated into the design. It is noted that the outlets from the basin have been upgraded to 2x1050 pipes which is indicating that all flows are proposed to be routed through the device, which is not supported.</i> ○ <i>Agree with this condition to remain. High flow diversion pipe is provided on the revised engineering plans, refer sheet 0103.</i> ▪ <i>Noted. No further comments.</i> • <i>Consent Condition 46A – the south-western swale forms part of the overall stormwater treatment train. As such, it is recommended that the title is unchanged.</i> ○ <i>Agree.</i> ▪ <i>Noted. No further comments.</i> • <i>Consent Condition 46A – Council does not support to reduce the grade to 0.5%. This is too flat to effectively drain the swale and it will likely cause maintenance issued and result in nuisance ponding and pooling which community members often report to Council. As such, a 1% grade is the absolute minimum, with 2% grade being the ideal minimum grade.</i> ○ <i>Agree to adopt 1% minimum grade for swale longitudinal grade. This condition remains unchanged. Swale long sections have been amended to reflect 1% minimum grade, refer provided plans.</i> ▪ <i>Noted. No further comments.</i> • <i>The modification reports states that the bioretention design has been amended to improve the stormwater quality objectives. No details have been provided to illustrate what changes are being proposed. Further, no cross sectional, or other detail design elements, has been provided for Council review.</i> ○ <i>There is no proposed changes to the bi-retention basin design. The wording in section 3.3.1 – F is amended in the modification report by Allen Price.</i> ▪ <i>Noted. No further comments.</i> <i>The following comments are provided relating to proposed changes to the consent conditions outlined in Amended Section 4.55 Report (D25/297931):</i> • <i>42 g) – As per above comments, recommend condition to be retained and reworded as follows: the proposed cutoff drain must be designed to reduce flood hazard as far as practically possible and include public risk mitigation measures to Council's approval, such as timber post</i>
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	<i>fencing or similar, where the velocity – depth product exceed 0.3m²/s.</i> • 43 a) & f) comments relating to trash rack to remain as per above comment and relevant approved plans. • 44 a) proposed deletion of “and sediment basin” supported 44 l) deletion not supported. Council may consider removing the requirement of having a depth of ponding not exceeding 1200mm if there are other suitable safety in design considerations implemented, such as sufficient planting along the edges of the wetland to prevent access to the waterbody during flood events, to mitigate public risk. <i>Add Info required</i> <i>The applicant is to provide information regarding the peak depth of ponding in Wetland A (being the flood depth above 52.35m AHD, noting that the approved OSD memo allowed for 50% of TEDD volume to be available for detention). Council may consider removing the requirement of having a depth of ponding not exceeding 1200mm if there are other suitable safety in design considerations implemented, such as sufficient planting along the edges of the wetland to prevent access to the waterbody during flood events, to mitigate public risk.</i> <u>Applicants' response 20/08/2025</u> – applicant's response to drainage issues & revised landscape plans. Further revised landscape plan submitted 01/10/2025. • Condition 42g) rewording agreed to • Condition 44l) – deletion still requested, and provision of sufficient planting along wetland edges. <u>Flood final comments -</u> All conditions agree to by applicant, excepting condition 44l) Further clarification sought 20/10/25 D25/463463 / D25/465322 The applicant provided revised landscape plan confirming sufficient plantings will be provided. Flood engineer provided re-worded condition to ensure such plantings are provided. See also D25/551721 re: conditions 46B & 63.
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External Referrals – see Integrated, below

Integrated Development	
Agency	Recommendation
DPIE - Water	General Terms of Approval issued by DPI (Water) See D25/358367 dated 12/08/225, their ref: IDAS-2025-10422. Relevant condition to be modified accordingly.

NSW Rural Fire Service	NSW RFS confirmed 29/07/2025 no change to GTA, as already issued – 07/05/2025. Relevant condition to remain as is, no modification required.
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4. 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.

- 2. 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.

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

The modification application was notified in accordance with Council's Community Consultation Policy for Development Applications. A submission was received by Council objecting to the proposal. The concerns raised are outlined in Part 5 of this Report

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

See consideration of submissions received in Part 5 of this report.

5. 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

i) Environmental Planning Instruments

EPI	Affected Clause / Provision	Comment
State Environmental Planning Policies		The modification application raises no additional matters for consideration under any applicable State Environmental Planning Policy.
Shoalhaven Local Environmental Plan 2014		The modification application raises no additional matters for consideration under <i>Shoalhaven LEP 2014</i> . Compliance with all applicable clauses of the LEP continue to be achieved.

ii) 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.

iii) Any Development Control Plan

SDCP 2014 Chapter	Affected Clause / Provision	Comment
Shoalhaven Development Control Plan 2014	G1	Revised layout plans remain consistent with the provisions in Chapter G1.
	G2	Revised civil plans have been reviewed by the Development Engineer. Determined that compliance with the applicable controls continues to be achieved.
	G3	Revised landscaping package received – revised design remains consistent with the applicable controls.
	G11	The modification application raises no additional matters for consideration under <i>Shoalhaven DCP 2014</i> . The minor changes to the layout do not result in any new non-compliances with acceptable solutions.
	NB3	The modification application raises no additional matters for consideration under <i>Shoalhaven DCP 2014</i> . The minor changes to the layout do not result in any new non-compliances with 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

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation

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

Any coastal zone management plan

The proposed development is consistent with applicable coastal zone management plan(s).

Other Shoalhaven Council Policies

Shoalhaven Contribution Plan 2019

The proposed modification does not alter s7.11 development contributions for the development.

(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 was assessed with the original DA, and subsequent modifications as being suitable for the proposed development as approved, and will remain suitable for the current minor modification as currently proposed:

- 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 DA was notified in accordance with Council's Community Consultation Policy for Development Applications.

The notification period being from 19 April to 21 May 2025. A submission was received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions

Trim Ref:	Objection Raised	Comment
D25/182205 & D25/184010 (duplicate)	In relation to the planting of trees along Main Road in DA Landscape Package Plan 5. This section of Main Road is poorly maintained by Council, as can be seen by the tall grass in the photo. If this is not maintained, then the trees will probably die as a result of lack of maintenance. Will the developer be responsible for maintenance once the trees are planted or will Council allocated resources to maintain	Maintenance period is a standard requirement for new subdivisions

(e) The Public Interest

The proposal was and as modified is considered to be in the public interest.

6. Delegations

Guidelines for use of Delegated Authority

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

Given that this a mod to a Regional DA, the application must be determined by the Southern Regional Planning Panel.

7. 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. MA2025/1063 relating to Development Consent No. RA21/1003 be approved as outlined above in this report. **The following conditions to be modified: 1, 7, 9, 31, 38, 39, 41, 42, 43, 44, 46B & 63 (as detailed in this report).**

Further as identified by Council' Biodiversity team,

- New condition 50A

50A. Vegetation Management Plan (inserted by DS23/1280)

Prior to the issue of the Subdivision Works Certificate for stage 7, 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) Planting within and around the wetlands on the Council reserve (Part Lot 240 DP 1295656, Part Lot 127 DP 1283303 and Lot 126 DP 1283303)

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, 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 for Stage 7. VMP works must commence at the approval of the document.

- condition 84 to be modified as follows:

84. Vegetation Management Plan Works (Completion of Initial Works)

1. All planting and other initial vegetation management works within Part Lot 240 DP 1295656 (northern sections), Part Lot 127 DP 1283303 and Lot 126 DP 1283303 as specified in the approved Vegetation Management Plan for those areas, must be completed prior to the issue of a Subdivision Certificate for Stage 7.

2. All planting and other initial vegetation management works within riparian corridor along Good Dog Creek and C3 zoned land on Lot 3 DP 1289976, Lot 4 DP 1289976 and Lot 1 DP 1281802 as specified in the approved Vegetation Management Plan for those areas, must be completed prior to the issue of a Subdivision Certificate for Stage 4.

3. All planting and other initial vegetation management works within Part Lot 240 DP 1295656 (southern sections) and Lot 3 DP 1281802 as specified in the approved Vegetation Management Plan (Ecoplanning March 2025) for those areas, must be completed prior to the issue of a Subdivision Certificate for Stage 6.

All other conditions to remain unchanged.



Elizabeth Downing
Senior Development Planner
City Development
21/11/2025

Reviewers Comments

The application has been reviewed and the recommendations of the report are concurred with.
Section 7.11 contributions (where applicable) have been reviewed and agreed to.



Justin Lamerton
Senior Development Planner
City Development
28/11/2025

Appendix A – Shoalhaven DCP 2014 Assessment of Relevant Chapters
Assessment Checklist: Chapter NB3 Moss Vale Road South Urban Release Area

Controls			
Clause 7.1 Indicative Layout Plan Objectives i. To ensure development is undertaken in a coordinated manner that responds to the topography, views and the natural environment. ii. To provide a variety of lot sizes that facilitate a range of housing types in appropriate locations. iii. To ensure well connected and legible movement network that will provide a variety of routes for vehicles, pedestrians and cyclists both within the neighbourhood and to surrounding areas. iv. To provide public open space that enhances existing landscape values, protects significant and remnant vegetation, provides opportunity for stormwater management and improves the amenity for future residents.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P1 Development is undertaken in a coordinated manner that is consistent with the ILP.	A1.1 Development within the URA is in accordance with the ILP (Figure 2). <i>Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.</i>	The proposed application seeks to introduce small lot housing in the standard and medium density/integrated housing areas. This application includes a variation to the ILP.	The applicant's justification breaks the matter into 3 areas, and confirms that whilst the PC and AS are not strictly complied with, the overall objectives are achieved. 'Variation' is proposed See Attachment B
	A1.2 Subdivision must demonstrate consistency with the following of the below residential density targets in relation to the ILP: • Large Lot Residential: 10-14 dwellings per hectare. • Standard Lot Residential: 15-20 dwellings per hectare. • Small Lot Residential and Medium Density/Integrated Housing: 21-35 dwellings per hectare.	The proposed application seeks to vary the number of lots within the subdivision as outlined below. The proposal increases the number of lots over the development site by 6, these additional lots are only capable of single dwellings being constructed, being <500m	As per Section 5 of applicants modification report (D24/402845): <i>"The original approval included 256 residential lots with the Density Layout Plan indicating this had the potential for 270 dwellings across the site. The dwelling targets across the subdivision</i>

		2. Accordingly, the site will achieve 280 dwellings, which is still within the required range by calculation according to the dwelling density targets across the subdivision.	<i>remain within the required range, and accordingly the proposed modification will have no adverse impacts, as outlined further in this report).</i> Variation proposed See Attachment B
Clause 7.2 Staging Objectives i. To ensure the development of the URA enables efficient release of residential land and essential infrastructure.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P2 Development is staged to enable orderly development and provision of necessary infrastructure.	A2.1 The staging of the URA is undertaken in accordance with Figure 3.	The proposed mod makes no changes to staging.	No change
	A2.2 Sub-stages within the stages identified in Figure 3 is acceptable where infrastructure delivery has not been compromised.	No changes to already approved sub-stages with this mod application	No change
The subject land is within stage 4 of the URA, as per plan below.			

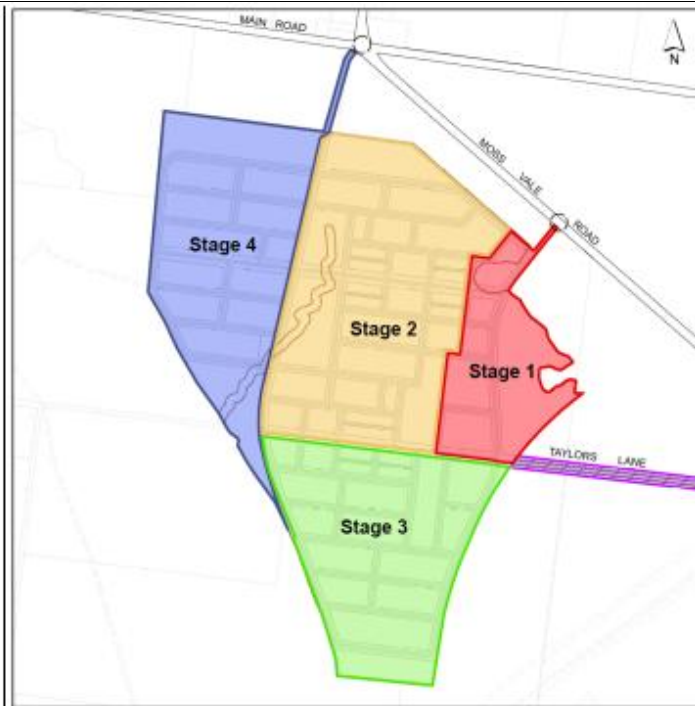


Figure 3 - Indicative Staging Plan

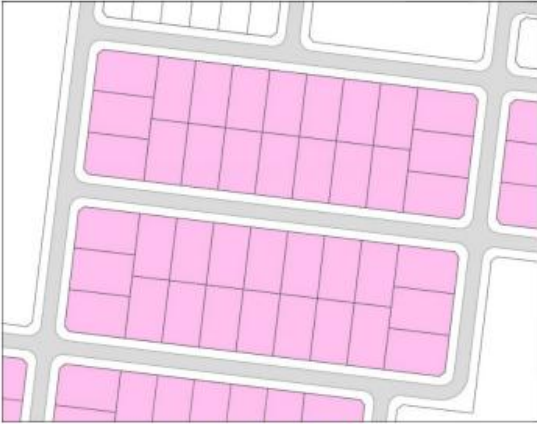
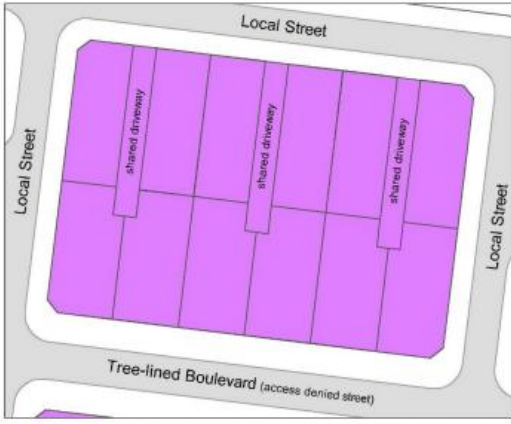
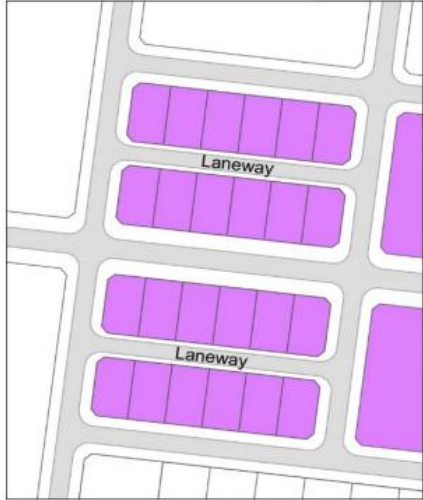
Note: The construction of Taylors Lane to the east of the URA boundary is separate to the development of the URA and subject to the delivery of the Far North Collector Road project.

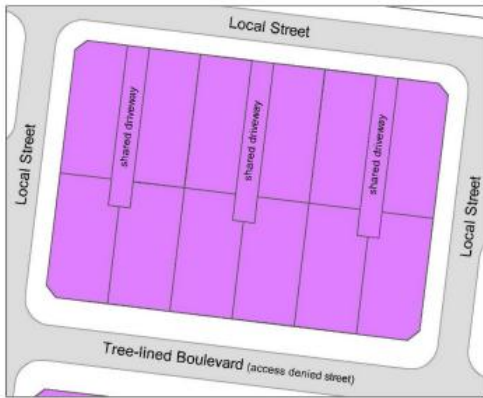
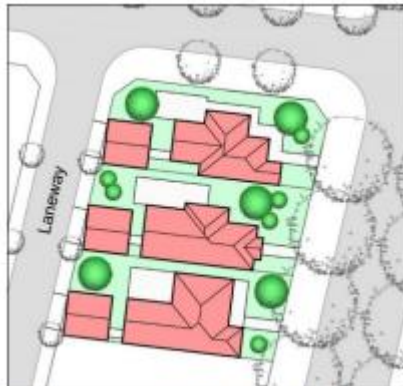
Clause 7.3 Subdivision Design

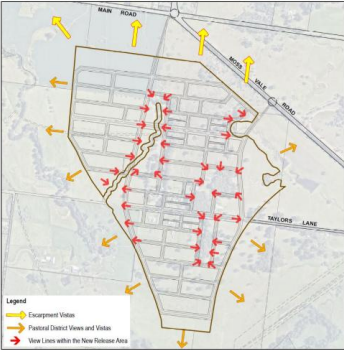
Objectives

- i. To create an attractive urban environment that meets the changing needs of the community and offers a wide choice in good quality housing.
- ii. To create a mix of lot sizes that provide a range of dwelling types to suit the needs of the community.
- iii. To ensure that all residential lots are able to have a high level of amenity in terms of solar access, views and proximity to public open space.
- iv. To ensure that subdivision layouts respond to the natural environment and the escarpment and rural vistas.
- v. To create a subdivision pattern that facilitates the efficient provision of infrastructure.
- vi. To enhance community interaction and outdoor activity through the provision of public space.

Mandatory Controls	Proposed Development	Compliance										
1. Subdivision applications require the lodgement of a Design Verification Statement in support of the application.	The proposed mod makes no changes to lot layout and/or staging.	n/a										
2. Lot widths are to be relative to the lot area as per Table 1 below: <table><tr><td colspan="2">Table 1 - Lot width requirements</td></tr><tr><td>Lot size (m²)</td><td>Minimum Width (m)</td></tr><tr><td>300 – 399</td><td>>8 and <12</td></tr><tr><td>400 - 499</td><td>Equal to or >12 and <15</td></tr><tr><td>500+</td><td>In accordance with Chapter G11: Subdivision of Land</td></tr></table>	Table 1 - Lot width requirements		Lot size (m²)	Minimum Width (m)	300 – 399	>8 and <12	400 - 499	Equal to or >12 and <15	500+	In accordance with Chapter G11: Subdivision of Land	The proposed mod makes no changes to lot layout and/or staging.	n/a
Table 1 - Lot width requirements												
Lot size (m²)	Minimum Width (m)											
300 – 399	>8 and <12											
400 - 499	Equal to or >12 and <15											
500+	In accordance with Chapter G11: Subdivision of Land											
3. Subdivision of small lots must have varying lot widths. No more than three consecutive lots shall have the same lot width. A minimum variation of 10% of the adjacent lot width is required	The proposed mod makes no changes to lot layout and/or staging.	n/a										
4. Street blocks are designed to be rectangular in shape to enable permeability. The length and width of street blocks (excluding road verges) are a maximum of: 5. • 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located. 6. • 200m x 70m in all other areas.	The proposed mod makes no changes to lot layout and/or staging.	n/a										
7. The subdivision layout is designed to maximise the number of north facing dwellings as per the indicative subdivision patterns demonstrated in Figures 4 to 6. In the case of certain forms of medium density housing and zero-allotments, preference will be given to an east-west orientation in order to maximise solar access along the longest dwelling elevation.	The proposed mod makes no changes to lot layout and/or staging.	n/a										

 Figure 4 - Indicative Subdivision Pattern  Figure 5 - Indicative subdivision pattern on small lots with shared driveway access  Figure 6 - Indicative subdivision pattern for small lots with rear laneway access		
8. Subdivision of small lots in accordance with Shoalhaven LEP 2014 must: • Have a primary street frontage; and • Access is provided via a rear laneway or shared driveway arrangement, except for lots equal to or greater than 400m².	The proposed mod makes no changes to lot layout and/or staging.	n/a
9. Lots less than 400m² include a restriction as to user via a Section 88B instrument that restricts vehicular access from the primary road frontage.	The proposed mod makes no changes to lot layout and/or staging.	n/a
10. Battle-axe lots are avoided unless the access handle provides rear access to small lots. <i>Note: In Moss Vale Road South URA, battle-axe lots may be allowed where access is provided by a shared driveway as a result of the</i>	The proposed mod makes no changes to lot layout and/or staging.	n/a

<i>allotment being located on an access denied street (i.e. tree lined boulevard). See Figure 5</i>			
			
Figure 5 - Indicative subdivision pattern on small lots with shared driveway access			
Clause 7.3.3 Performance criteria and acceptable solutions			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P3 Zero lot line developments are appropriately placed on small lots. <i>Note: At the subdivision stage, a restriction is to be included on a Section 88B Instrument on lots with potential zero lot line and the adjacent burdened lot to:</i> • Include a 900mm easement for ongoing maintenance and support of the zero-lot line boundary wall. • Exclude Council from any dispute resolution process between the adjoining lots. • To restrict placement of overhanging eaves, gutters or services (rainwater tanks, air	A3.1 The location of zero lot lines are based on orientation and topography. The zero lot line should be located on the most southern side of the lot (refer to Figure 7) to maximise solar access. 	The proposed mod makes no changes to lot layout and/or staging.	n/a
	Figure 7 – Location of Zero Lot Lines		

conditioning units, hot water units and the like) within the easement.			
	A3.2 The location of proposed zero lot lines must be demonstrated on the subdivision plan.	The proposed mod makes no changes to lot layout and/or staging.	n/a
P4 Corner allotments are designed to encourage safe vehicular and pedestrian movement.	A4.1 Corner lots shall allow for a minimum splay of 2m x 2m to allow for pedestrian and vehicular sight distance.	The proposed mod makes no changes to lot layout and/or staging.	n/a
P5 Lot layout avoids rear boundaries fronting public spaces.	A5.1 Where residential development adjoins public spaces (excluding laneways) the subdivision design enables the configuration of dwellings or other residential accommodation uses to front the public space.	The proposed mod makes no changes to lot layout and/or staging.	n/a
P6 Subdivision layout enables significant views and vistas to be retained.	A6.1 The street layout enables view lines to be established to open space areas within the URA, and to escarpment and pastoral landscapes beyond the URA as per Figure 8.  Figure 8 - Significant Views and Vistas	The proposed mod makes no changes to lot layout and/or staging.	n/a
	A6.2 The subdivision layout considers views into the URA from Moss Vale Road, Main Road, Taylors Lane and North Nowra.	The proposed mod makes no changes to lot layout and/or staging.	n/a

Clause 7.4 Street Network and Hierarchy		
Objectives - To achieve a safe and convenient movement network for private vehicles, public transport, pedestrians and cyclists. - To provide a connected and legible street network within and beyond the URA. - To provide a street layout is informed by natural features, terrain and views. - To create a distinct street hierarchy that is distinguishable through changes in the design of the street. - To encourage a high quality and visually attractive public domain whilst being functional, legible and safe.		
Mandatory Controls	Proposed Development	Compliance
1. The street network is to be provided in accordance with Figure 2 and Figure 9. Where a variation to the residential street network is proposed, achievement of the following principles must be demonstrated: • Establish a defined street hierarchy and permeable street network as per the key development outcomes, • Encourage walking and cycling by ensuring allotments are within 400m walking distance from the Collector Road, • Maximise connectivity between residential areas and open space, • Take account of topography and improve connectivity between significant and remnant vegetation through revegetation, • Optimise solar access opportunities for dwellings, • Provide frontage to and maximise surveillance of open space and riparian corridors, • Provide views and vistas to key landscape features, • Maximise the use of water sensitive urban design measures, • Minimise the use of four-way intersections, and • Minimise the use of cul-de-sacs.	The proposed mod makes no changes to lot layout and/or staging	n/a
2. Streets are designed in accordance with Tables 2 to 6 and Figures 10 to 14. Carriageway widths are measured from lip to lip. Where roads are adjacent to a public open space area, the verge widths may be reduced to a minimum of 1.5m subject to adequate provision of footpaths, utilities, fencing, required Asset Protection Zones or buffers to riparian corridors.	The proposed mod makes no changes to lot layout and/or staging	n/a
3. No direct vehicular access or waste collection is permitted on Tree-lined Boulevards, except for the area to the far-west of the western Collector Road (as illustrated by the dashed line in Figure 9).	The proposed mod makes no changes to lot layout and/or staging	n/a

4. The Collector Road is designed to allow for a future public transport route as per Figure 15.	The proposed mod makes no changes to lot layout and/or staging	n/a	
5. All streets must be designed to produce a low speed environment primarily governed by the road geometry, traffic management and calming devices may be considered if required. Such traffic management devices are to be identified at subdivision DA stage	The proposed mod makes no changes to lot layout and/or staging	n/a	
6. Street trees are required on all streets and are to be placed within the verge as per Figures 10 to 14, and Tables 2 to 6. Placement of street trees will consider underground services, driveways and easements in accordance with Figure 16. Street tree species are to be selected from the Moss Vale Road South Species List in order to establish a distinct identity for the URA. Street trees are planted with appropriate root guards to protect underground infrastructure, pathways, kerb and gutters. Street tree planting is alternated with street lighting.	The proposed mod makes no changes to lot layout and/or staging	n/a	
7. Construction of verges provide adequate space for underground service allocation and street trees as per Figure 16.	The proposed mod makes no changes to lot layout and/or staging	n/a	
8. All construction access is to be provided via Moss Vale Road. Taylors Lane will be suitable for use after the completion of the Far North Collector Road project.	The proposed mod makes no changes to lot layout and/or staging	n/a	
Clause 7.5 Laneways			
Objectives			
i. To create attractive primary frontages by removing garages and driveway crossovers, improving the presentation of houses and maximising on street parking spaces and street trees. ii. To promote housing diversity without compromising amenity, particularly for smaller sized allotments. iii. To create a slow speed shared zone that is distinctly different in character and materials to residential streets to reflect the very low volume and frequency of vehicle movements.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P7 Laneways are of a size and layout that encourage low volume and safe use, maximise	A7.1 No more than two sets of continuous laneways are provided, except where they are transected by	The proposed mod makes no changes to lot layout and/or staging	n/a

favourable lot orientations, legibility, passive surveillance and accommodate waste collection. <i>Note: Laneways are secondary frontages providing rear access. They do not:</i> • Act as a primary frontage; • Provide on-street car parking; and • Include footpaths	Tree-lined Boulevards or Collector Road.		
	A7.2 The laneway verge (excluding driveway crossovers) is to be soft landscaped to improve overall amenity and stormwater infiltration.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A7.3 Where a site is located on an access denied street, waste collection and general vehicular access is to occur from the laneway.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A7.4 Laneways incorporate sufficient lighting to meet Crime Prevention Through Environmental Design (CPTED) principles.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A7.5 A restriction as to user via the Section 88B instrument to restrict driveways on the front boundary	The proposed mod makes no changes to lot layout and/or staging	n/a
Clause 7.6 Shared Driveways Objectives i. To minimise the impact of driveways on the function of main streets, quality of the public domain and pedestrian safety. ii. To enable shared driveway access to lots fronting access denied roads. iii. To provide safe and easy access to garages and on-site parking arrangements.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P8 Shared driveways provide access to small allotments to discourage garage dominated streetscapes.	A8.1 Shared driveways are provided for small lots from local streets only.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.2 Shared driveways provide vehicular access to no more than 4 dwellings.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.3 Configuration of shared driveways is provided as per Figure 17 below.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.4 Shared driveways have a different construction material to road surface.	The proposed mod makes no changes to lot layout and/or staging	n/a

	A8.5 Lots that are accessed via a shared driveway have a primary street frontage.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.6 Shared driveways are a maximum of 6m wide.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.7 The location of driveways must consider dwelling design and orientation, distance from intersection, street gully pits and tree bays.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.8 Location of shared driveways must be located a minimum 10m from splitter islands associated with roundabouts.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.9 Shared driveways are a minimum 0.5m from any drainage facilities on the kerb and gutter.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.10 Shared driveways incorporate soft landscaped areas on either side at a minimum width of 1m, suitable for infiltration.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A8.11 Waste collection from shared driveways is not permitted. A waste collection point is provided directly adjacent to the shared driveway crossover on the local street. Waste collection points are provided as constructed bays are a minimum 1m deep and 5m wide.	The proposed mod makes no changes to lot layout and/or staging	n/a
7.7 Pedestrian and Cycle Routes Objectives i. To ensure streets and the open space network provide the main pedestrian and cycle routes within the neighbourhood. ii. To ensure shared user paths are part of a connected system which provides a variety of routes to destinations within and outside of the URA			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance

P9 Shared pedestrian and cycle paths connect the urban area to the open space network.	A9.1 Shared user paths are located within the verge except for where located within the open space areas as per Figure 18.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A9.2 The location of shared user paths in open space areas avoid any existing, established vegetation to ensure retention.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A9.3 Shared user paths are 2m wide except for the shared path parallel to Moss Vale Road which is to be 2.5m wide.	The proposed mod makes no changes to lot layout and/or staging	n/a
	A9.4 Shared user paths are constructed as per Chapter G11: Subdivision of Land.	The proposed mod makes no changes to lot layout and/or staging	n/a
7.8 Open Space System Objectives i. To ensure that future residents of all ages and abilities have access to a high quality functional open spaces for passive and active recreation. ii. To ensure the connected network of open spaces within the URA are accessible and provide pedestrian and cycle routes. iii. To provide multi-functional open space areas that are able to encourage a range of activities within the neighbourhood's diverse open space areas. iv. To incorporate significant areas of natural value within the open space network. v. To ensure the design and embellishment of the open space is of high quality, robust, low maintenance and addresses the vision of the URA.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P10 Open space areas are of a high amenity, accessible, well connected and act as a destination to encourage physical movement, activity and social interaction.	A10.1 Open spaces areas are located in accordance with the ILP at Figure 2.	The proposed mod makes no changes to lot layout and/or staging	The proposed mod makes no changes to lot layout and/or staging
	A10.2 Open space areas incorporate facilities such as seating, playgrounds, BBQs, paved areas and landscape planting.	This proposal does include some changes to embellishment to open space areas, that the Open Space Unit of Council have reviewed and agree to	complies

	A10.3 The open spaces act as gateways marking connections and transitions to adjoining areas.	This proposal does include some changes to embellishment to open space areas, that the Open Space Unit of Council have reviewed and agree to. However such changes to not impact on 'gateways'.	complies
	A10.4 Open space areas are provided in accordance with Chapter G11: Subdivision of Land.	The proposed mod makes no changes to lot layout and/or staging	The proposed mod makes no changes to lot layout and/or staging
P11 Open space areas retain and enhance significant vegetation and provide a treed backdrop for views within the neighbourhood.	A11.1 Significant areas of natural and environmental value are retained, enhanced and incorporated into the open space network.	The proposed mod makes no changes to lot layout and/or staging	The proposed mod makes no changes to lot layout and/or staging
7.9 Landscape Strategy Objectives i. To achieve a landscape setting to balance the built form through well planted streets, open spaces, treed backdrops and lot sizes that provide opportunities for planting in private open space. ii. To protect, maintain and enhance areas containing environmental heritage, remnant vegetation and established trees. iii. To enhance both the public and private amenity within the URA. iv. To contribute to the overall water sensitive urban design approach within the URA. v. To protect the valuable landscape and environmental values of the URA. vi. To embellish and rehabilitate the environmental corridor / scenic protection area adjacent to Moss Vale Road and Main Road.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P12 Landscaping is provided to complement and soften the built form and surrounding natural landscape.	A12.1 A landscape strategy, prepared by a suitably qualified person, is submitted at the subdivision DA stage. The landscape strategy is to include as a minimum: • Landscape Plan as per Chapter G3: Landscaping Design Guidelines; • Entry treatment (only for stages that include entry from Moss Vale Road and Taylors Lane);	The approved landscape plan (D23/10183) by Ayling Drury (Dwg. DA02 and DA03 Rev F dated 19.09.22) has been reviewed ** Amended Landscape Plans have been submitted reflecting the proposed lot layout changes – Ayling Drury (Dwg. DA-02, Rev H dated	complies

	• Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List; • Protection of remnant vegetation and established trees primarily in the public domain (as per Figure 19); • Protection of riparian corridors (See P15 and A15.1 below); • Provision of landmark tree planting along the two tree-lined boulevards; • Establishment of a street lighting and furniture palette; • Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like; • Deep soil planting to enable a substantial tree cover to be created over time; • Removal of existing noxious and environmental weed species; and • Rehabilitation of E3 Environmental Management zones.	05.07.24 and DA-11, Rev H dated 05.07.24. The amended landscape plans are consistent with those already approved. Proposed changes relate primarily to the basin areas – these have been reviewed by both the Biodiversity team and Flood Eng, who following review of the plans, and amendments thereto, have indicated support for the proposed changes.	
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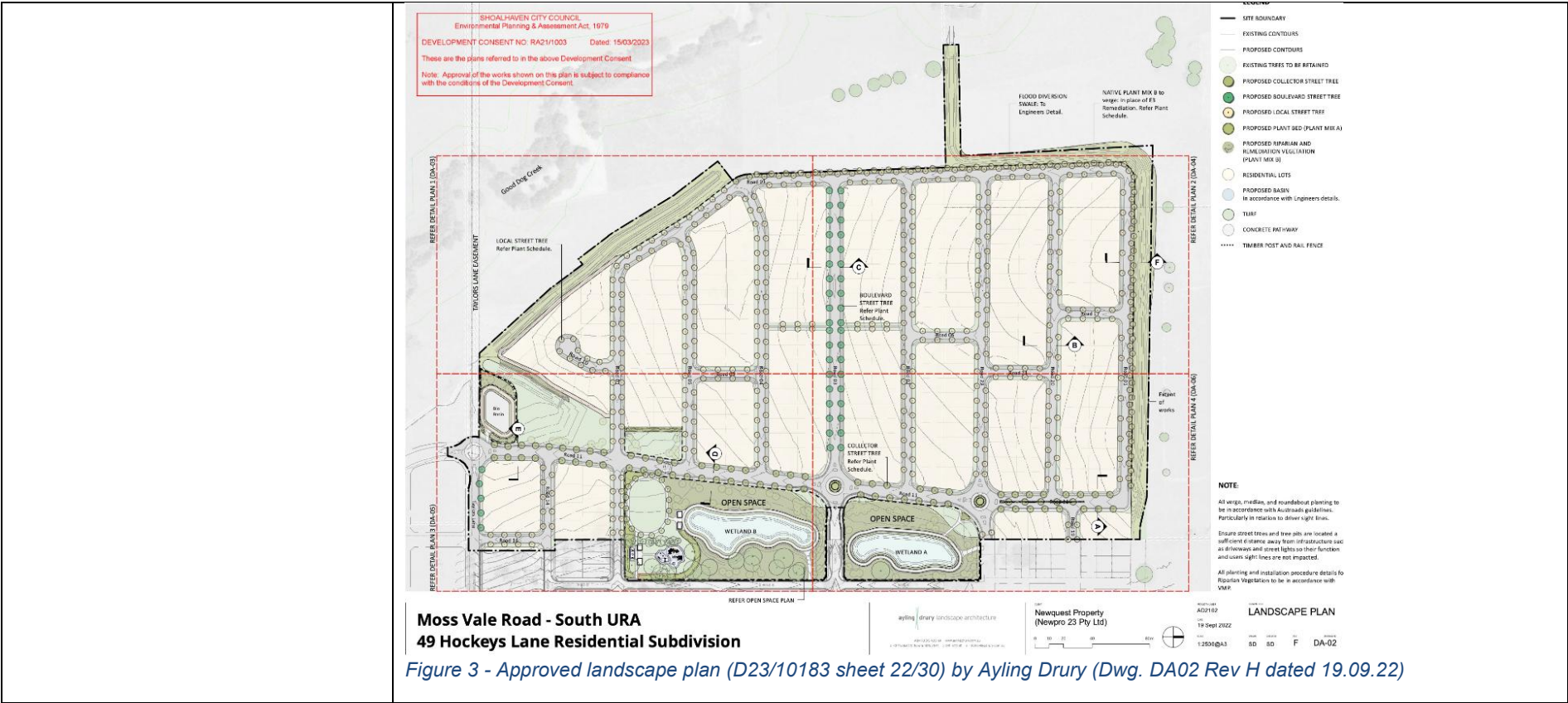
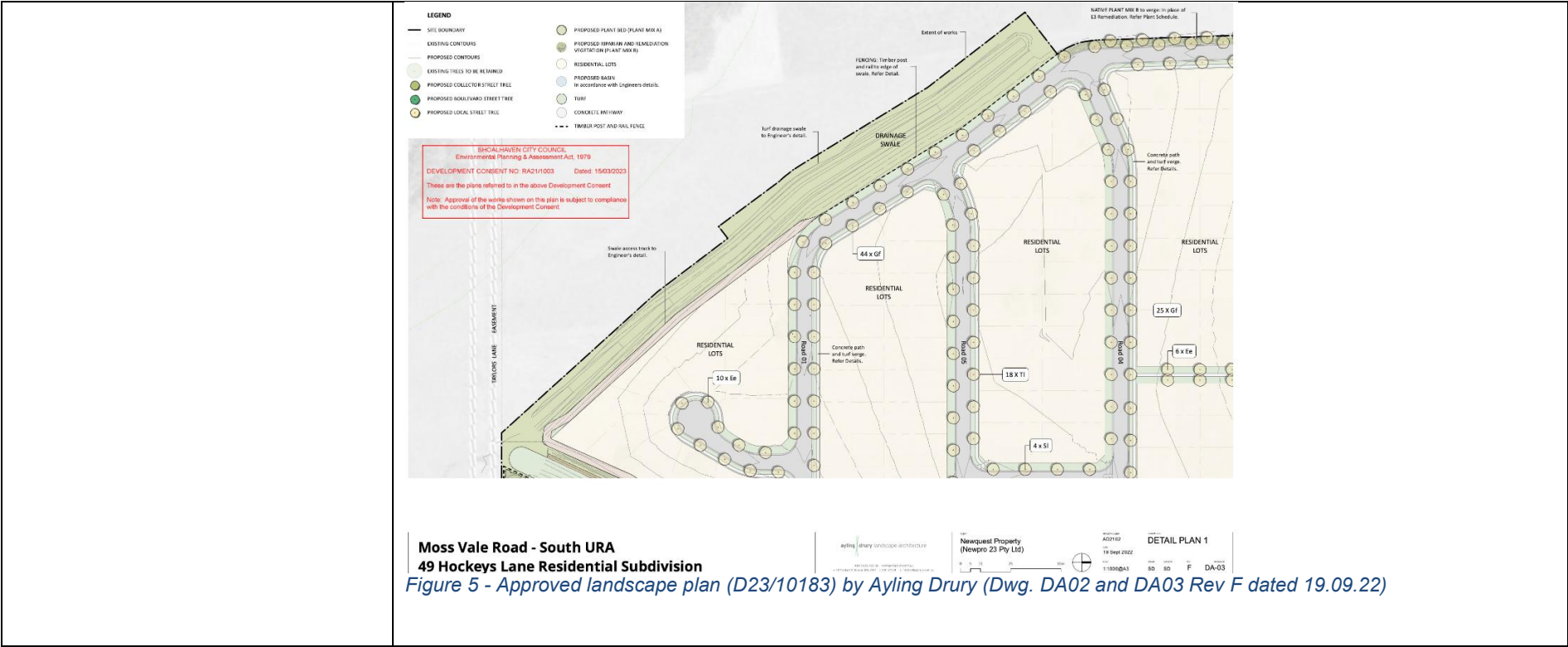


Figure 3 - Approved landscape plan (D23/10183 sheet 22/30) by Ayling Drury (Dwg. DA02 Rev H dated 19.09.22)



Figure 4 Amended Landscape Plan - Ayling Drury (Dwg. DA-02, Rev H dated 05.07.24)



	 Moss Vale Road - South URA Haven Estate Residential Subdivision <i>Figure 6 Amended Landscape Plan - Ayling Drury (Dwg. DA-11, Rev H dated 05.07.24)</i>	
	A12.2 Provision of landscaping does not impact sight distances for traffic and pedestrians. Minimum safe	no impact on sight distances complies
P13 Retain existing established trees.	A13.1 Landscaping is designed in consideration of existing established trees through their retention in the public domain, including road reserves and open spaces. Sufficient space around existing established trees is provided to minimise potential hazards to structures. A13.2 Flora and fauna assessment considers any trees for removal for risk and safe useful life expectance (SULE).	Trees are proposed and – revised plan submitted dated 05/07/2024 ** confirming tree retention complies n/a

7.10 Environment Objectives i. To achieve a high standard of environmental performance and management of natural assets and environmental heritage within the URA. ii. To protect and enhance remnant vegetation through incorporation within the open space and stormwater network. iii. To retain the maximum amount of established trees in the URA.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P14 Significant and remnant vegetation and habitat for threatened species is retained and protected.	A14.1 Significant and remnant vegetation (including native vegetation) within the public domain, including in open space areas, is retained and opportunities for enhancement are included. <i>Note: Threatened species have been identified in this URA. A comprehensive Flora & Fauna assessment is to be prepared by a suitably qualified and experienced person and is to include an analysis of constraints and opportunities, identify / map areas for rehabilitation and assessment to consider any trees for removal for risk and safe useful life expectance.</i>	FF report accompanied original DA. No additional tree loss with this current modification.	complies
	A14.2 Identify impact mitigation and management measures to protect threatened species including but not limited to bats.	FF report accompanied original DA. No additional impact with this current modification.	complies
P15 Riparian corridors are protected and improved. <i>Note: The riparian corridors are linear tracts of land associated with the Shoalhaven River</i>	A15.3 Buffers are vegetated to protect the integrity of the riparian zone from weed invasion, littering, sedimentation, erosion control pollution and impacts of climate change.	Revised landscape plans have been submitted, reviewed, amended and re-reviewed. Landscaping is acceptable, see Flood Eng & Bio referrals	complies

<i>drainage system. They are important for maintaining biodiversity, water quality and bank stability. They are a significant component of the Nowra-Bomaderry conservation strategy and represent both constraints and opportunities to urban development.</i>	A15.4 Fencing within riparian corridors are minimised and across watercourses is not permitted. Where fencing is required for safety purposes, the design must allow terrestrial and aquatic fauna to pass through	no change to original approval	n/a
P16 Incorporate elements of Aboriginal cultural and environmental heritage within the open space areas of the URA to ensure their protection.	A16.1 An Aboriginal Cultural Heritage Assessment is submitted at the subdivision DA stage. <i>Note: Refer to Guidelines by the Office of Environment and Heritage as the relevant authority under the National Parks and Wildlife Act 1974.</i>	Revised GTA not warranted See referrals	complies
	A16.2 Where culturally appropriate and acceptable any Aboriginal cultural heritage identified through the Aboriginal Cultural Heritage Assessment is used to develop interpretive signage to be located in the public spaces of the URA.	no change to original approval	n/a
7.11 Stormwater Management and Flood Minimisation Objectives i. To manage stormwater flow paths and systems to ensure development does not increase the flood risks and safety of people, property and the environment. ii. To minimise any impacts on natural watercourses and associated ecosystems during stormwater events. iii. To ensure that development does not increase flood risk on existing or adjoining properties. iv. To encourage the reuse of stormwater generated by development. v. To achieve a neutral or reduced post development stormwater sedimentation and pollutant load when compared to pre development conditions. vi. To minimise soil erosion and sedimentation resulting during and post construction.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
	A17.1 Development Applications must be supported by a Concept	Overall stormwater solution already approved.	complies

P17 Stormwater flows and quality is managed using Water Sensitive Urban Design (WSUD) principles.	Stormwater Plan. The Concept Stormwater Plan must demonstrate: • WSUD principles (including on-site stormwater detention/retention) as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control. • Stormwater management primarily within the street network.	Proposed modification has been reviewed and is supported by both Development and Flood Engineers to reflect revised Engineers.	
	A17.2 Stormwater management is to be designed and implemented within the URA boundaries unless the following can be demonstrated: • suitable topography; • good access to the WSUD / drainage infrastructure; • ability to be combined with an adjacent WSUD element; • ensure that flow rates and water quality do not adversely impact the waterway reach from the site to the offsite WSUD element; and • WSUD element is increased in size to cater for the additional catchment.	Overall stormwater solution already approved. Proposed modification has been reviewed and is supported by both Development and Flood Engineers to reflect revised Engineers plans – see conditions 2 & 38.	complies
	A17.3 WSUD measures are operational no earlier than 90% completion to avoid any bio-retention/filtration basins or wetlands being compromised.	Proposed modification has been reviewed and is supported by both Development and Flood Engineers to reflect revised Engineers plans	Complies
P18 Manage stormwater flow as a result of flood events to minimise risk of flooding to residential accommodation.	A18.1 'Minor' flows are managed using piped systems for the 18.13% Annual Exceedance Probability (AEP) (5 year Average Recurrence Interval) (residential accommodation) and 10% AEP (10 year Average Recurrence Interval) (mixed use development /	Proposed modification has been reviewed and is supported by both Development and Flood Engineers to reflect revised Engineers plans	Complies

	commercial premises). Management measures shall be designed to: • control stormwater to minimise localised flooding and reduce nuisance flows; • provide sufficient on-site storage to match pre peak flow rates for the 50% AEP (1.5 year), 18.13% AEP (5 year) and 5% AEP (20 year) rain events; • ensure that the duration of stream forming flows are no greater than 2 times the pre-development duration of stream forming flows at the site discharge point; • encourage the installation of rainwater tanks for residential accommodation that meet a portion of supply such as outdoor use, toilets, laundry; • capture and retain a high level of urban water run-off pollutants to protect local watercourses; • include sufficient WSUD elements to achieve the water quality targets listed in the table below: <table><tr><th>Pollutant</th><th>Reduction</th></tr><tr><td>Gross pollutants</td><td>90%</td></tr><tr><td>Total Suspended Solids</td><td>85%</td></tr><tr><td>Total Phosphorus</td><td>65%</td></tr><tr><td>Total Nitrogen</td><td>45%</td></tr><tr><td>Total Hydrocarbons</td><td>0%</td></tr></table> A18.2 Major ‘flows’ are managed using dedicated overland flow paths	Pollutant	Reduction	Gross pollutants	90%	Total Suspended Solids	85%	Total Phosphorus	65%	Total Nitrogen	45%	Total Hydrocarbons	0%		
Pollutant	Reduction														
Gross pollutants	90%														
Total Suspended Solids	85%														
Total Phosphorus	65%														
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Total Hydrocarbons	0%														

	such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 18.13% AEP (5 year Average Recurrence Interval). Management measures shall be designed to: • prevent both short term and long term inundation of habitable dwellings; • control localised flooding from storm events to maintain access to lots, maintain the stability of the land form and to control erosion; • habitable floor levels to have a minimum of 0.5m freeboard above the 1% AEP (100 year) flood level; • ensure that any proposed filing does not cause unacceptable afflux to adjacent properties for all events up to and including the probable maximum flood; • provide for the orderly and safe evacuation of people away from rising floodwaters by providing reliable access ensuring that the water depth – velocity product is no greater than 0.3m² /s for events up to 1% AEP (100 year) storm; • provide sufficient on-site storage to match pre development peak flow rates for the 1% AEP (100 year) rain event. This will be achieved using detention storage within water quality features and detention basins.		
	A18.3 Management measures for minor and major flows (including WSUD elements) must not result in	Proposed modification has been reviewed and is supported by both	Complies

	obstruction / redirection of flood waters as per Chapter G9: Development on Flood Prone Land	Development and Flood Engineers to reflect revised Engineers plans	
P19 Stormwater outlets are engineered to mimic pre development flow conditions.	A19.1 Stormwater outlets include an appropriate flow spreader/energy dissipater to replicate pre development flow conditions.	no change to original approval	n/a
P20 Development of the site results in improved benefit from stormwater discharged into natural watercourses.	A20.1 Stormwater discharge is designed to achieve targeted reductions as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.	no change to original approval	n/a
7.12 Residential Development Objectives i. To provide a mix of densities to cater for the various housing needs of a range of different demographic groups. ii. To encourage residential development that will contribute to the amenity and streetscape character of the area. iii. To encourage innovative design with a high level of water and energy efficiency. iv. To have higher density housing in the central area of the URA nearby public open spaces and in close proximity to main streets. v. To encourage the delivery of a small housing products that can contribute to affordable housing.			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P21 Design of residential development contributes to the character and amenity of the URA.	A21.1 Dwellings are designed in accordance with the relevant controls in Table 7. Note: In addition to the provisions outlined in this Chapter, you must refer to the provisions of the Generic Chapters as relevant. In the event of any inconsistency, the provisions in this Chapter will prevail.	This modification relates to the subdivision only.	n/a
P22 Dwellings appropriately address the primary street frontage.	A22.1 Dwellings are sited to face the street, with visible front entries and habitable rooms fronting the street, particularly at ground level.	This is for subdivision only. All proposed lots will maintain road frontage.	n/a
	A22.2 The primary street façade of a dwelling incorporates at least two of		n/a

	the following Shoalhaven Development Control Plan 2014 Chapter NB3: Moss Vale Road South Urban Release Area Page 38 design features as part of the articulation zone: • Entry feature or porch. • Awnings or other features over windows. • Balcony treatment to first floor element. • Recessing or projecting architectural elements. • Open verandah. • Bay windows or similar features. • Verandahs, pergolas or similar features above garage doors.	This application relates to the subdivision only	
	A22.3 Dwellings with dual road frontage (corner lots and rear loaded lots): • Must address both the primary and secondary road frontage. • The secondary road frontage must incorporate at least two of the design features mentioned in A22.2. • Landscaping in the front setback should continue around the secondary setback to the depth of the transition zone (refer to Section 7.13 of this Chapter). • On corner lots, carports and garages must be located and accessed from the secondary road frontage. • On rear loaded lots, carports and garages must be located and accessed from the laneway.	This application relates to the subdivision only	n/a

P23 Zero lot line developments provide adequate solar access and amenity to neighbouring residences.	A23.1 Dwellings built to the zero lot line are single storey. <i>Note: Zero lot lines are not permitted where an easement to drain sewage is within the side setback.</i>	This application relates to the subdivision only	n/a
	A23.2 The external zero lot line wall shall be constructed no more than 250mm from the property boundary.	This application relates to the subdivision only	n/a
	A23.3 Gutter and drainage services must be wholly contained within the allotment.	This application relates to the subdivision only	n/a
	A23.4 A boundary fence shall not be constructed adjacent to the zero lot line wall.	This application relates to the subdivision only	n/a
	A23.5 Zero lot boundary wall finishes consider the character of the development on the neighbouring property which exists at the time of the DA	This application relates to the subdivision only	n/a
P24 Parking and access is to be functional and contribute to streetscape and laneway amenity.	A24.1 On-site car parking is provided in accordance in Chapter G21: Car Parking and Traffic.	This application relates to the subdivision only	n/a
	A24.2 Carports and garages are to complement the dwelling design.	This application relates to the subdivision only	n/a
	A24.3 Where garages are provided in rear laneways: • Minimum garage doorway widths are 2.4m (single) and 4.8m (double). • Garage location is based on the orientation of the allotment (refer to Figure 20), so as to improve solar access to the rear yard. • General vehicular access is to occur from the laneway.	This application relates to the subdivision only	n/a

	Vehicle crossings are not to exceed 3m wide in streets or 4.8m wide in lanes		
	A24.4 Triple fronted garages are not permitted	This application relates to the subdivision only	n/a
P25 Development on corner lots contribute to streetscape character.	A25.1 Walls facing the secondary frontage (corner lots) shall have an active frontage for at least 4m back from the front building line of the house (i.e. at least one window) with a maximum continuous wall length of 6m.	This application relates to the subdivision only	n/a
P26 Dwellings are designed to maximise energy efficiency.	A26.1 Dwellings and private open space is sited as per the orientation of the dwelling (refer to Figure 21).	This application relates to the subdivision only	n/a
	A26.2 Dwellings on lots less than 400m ² in area are single storey, unless proposed as Integrated Housing with two or more dwellings.	This application relates to the subdivision only	n/a
7.13 Fencing Objectives i. To ensure boundary fencing is of a high quality, promotes safety and surveillance and does not detract from the streetscape or public open space areas. ii. To ensure boundary treatments contribute to the desired character of the URA			
Performance Criteria	Acceptable Solutions	Proposed Development	Compliance
P27 Fences and walls adjacent to the public domain: - Enable some outlook from buildings to the street for safety and surveillance. - Contributes to safety and amenity of public open space.	A27.1 Front fences and walls forward of the building line, (see Area 1 - Figure 24), should be no higher than 1.2m. The fence must contain open elements that make it at least 50% transparent, or where there are solid panels, must contain articulated elements such as landscape	This application relates to the subdivision only	n/a

• Assist, where appropriate, in highlighting entrances and in creating a sense of communal identity within the streetscape. • Are designed and detailed to provide visual interest to the streetscape. • Are constructed of materials compatible with: - Existing and proposed housing, and - High quality existing fences and walls in the streetscape to encourage continuity. • Are compatible with facilities in the street frontage area, such as mailboxes and waste collection points.	screening, setbacks and varied materials		
	A27.2 On a corner lot, the fence along the secondary frontage, including the fence in front of and 4m behind the front building line (the “transition zone” see Area 2 - Figure 24): • Should be no higher than 1.2m; and • Should be a continuation of the fence or landscaping on the primary street frontage; and • Must contain open elements that make it at least 50% transparent, or where there are solid panels, must contain articulated elements such as landscape screening, setbacks and varied materials.	This application relates to the subdivision only	n/a
	A27.3 Fences beyond the “transition zone” along the secondary frontage and/or along a rear boundary adjacent to the public domain/public open space (see Area 3 - Figure 24): • Should be no higher than 1.8m; and • Must contain open elements that make it at least 50% transparent or, where there are solid panels, must contain articulated elements such as landscape screening, setbacks and varied materials.	This application relates to the subdivision only	n/a
	A27.4 Fencing is to be of high quality material and finish. The use of metal fencing materials is discouraged directly adjacent to the public domain, except adjacent to laneways.	This application relates to the subdivision only	n/a
	A27.5 Front fences and walls should be designed to use similar or	This application relates to the subdivision only	n/a

	compatible materials to that used for the dwelling on the subject lot.		
	A27.6 Fences in large lot residential areas (the outer areas of the URA) are encouraged to use semi-rural post and wire or post and rail fencing to blend in with the adjoining rural landscape	This application relates to the subdivision only	n/a
Design Verification Statement (DVS) A DVS is a document that provides clear and sound reasoning on how the proposed development meets the relevant objectives, performance criteria and acceptable solutions of this Chapter.			
Requirement		Proposed Development	Compliance
A DVS is required to support a subdivision DA which includes small lots as per Shoalhaven LEP 2014. The DVS must include but is not limited to: • A description of the proposed development (except for where the DVS is contained within a Statement of Environmental Effects). • A robust explanation of the design of the subdivision and how it meets the individual key development outcomes (refer to Section 6 of this Chapter). • Identify and justify any variations to the ILP		no changes to lot design or sizes.	n/a