Modification of Development Consent

Section 4.56 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Jessie Evans
A/Executive Director
Resources, Energy and Industry Assessments

Sydney 16 September 2026 File: SSD-3846

SCHEDULE 1

Development Consent

Development Consent:	SSD 3846 granted by the NSW Land and Environment Court on 1 December 2021 (LEC No. 2019/78149)
For the following:	West Culburra Mixed Use Subdivision Concept Proposal including: • 244 low density residential lots • 32,901 square metres of industrial lots (13 lots) • a town centre including 45 integrated housing dwellings, 2 medium density lots comprising 95 dwellings and 3 mixed use lots • parks, a sports field, foreshore reserves and a woodland reserve • stormwater treatment infrastructure including basins • 3 new roundabouts on Culburra Road • detailed subdivision layout including lots, roads, parks and reserves

Modification 1

Modification Application:	SSD-3846-Mod-1
	Modification to: • realign the footprint to maintain 100 metre setback from mean high water mark • 1 additional industrial lot (14 lots) • removal of detailed subdivision lot layout • amendments to the size and location of stormwater basins • reduction in size of parks and reserves • inclusion of a low-pressure sewerage system and removal of sewer pumping station • amendments to biodiversity offset conditions • administrative amendments to conditions
Applicant:	Sealark Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Part Lot 1 DP 1305809, Part Lot 11 DP 1323231, Part Lot 12 DP 1323231 and Part Lot 1 DP 631825 and adjacent road reserves, Culburra Road, Culburra Beach

SCHEDULE 2

The consent is modified as follows:

1. Delete the description of Subject Land, and replace with the following:

   Part Lot 1 DP 1305809, Part Lot 11 DP 1323231, Part Lot 12 DP 1323231 and Part Lot 1 DP 631825 and adjacent road reserves, Culburra Road Culburra Beach, Shoalhaven local government area

In Definitions:

2. Delete the definitions for 'Environmental audit' and 'Environmental auditor(s)'.

3. In the definition for Baseline, delete the word 'works' and replace with 'construction'.

4. In the definition for IWCMS, insert the following words after the words '17 November 2020':

   as modified by *Mod 1 Supplementary Integrated Water Cycle Management Strategy* prepared by Martens, dated 12 February 2026

5. Insert the following new definition in alphabetical order:

Modification Assessments	The documents assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification application made under the EP&A Act: a) SSD-3846-Mod-1 – Modification Report – Proposed Modification to West Culburra Concept Proposal prepared by Allen Price dated 29 July 2025

6. Delete the definition for Site and replace with the following:

   The land defined in Appendix 1, being Part Lot 1 DP 1305809, Part Lot 11 DP 1323231, Part Lot 12 DP 1323231 and Part Lot 1 DP 631825 and adjacent road reserves

In Schedule 1: Conditions for the Concept Proposal, Part A – Administrative Conditions

7. In Condition A6, delete parts (d) and (e) and replace with the following:

   (d) the Modification Assessments;

   (e) the plan in **Appendix 1**; and

   (f) the Applicant's Management and Mitigation Measures in **Appendix 2**.

8. In Condition A11, delete part (b), (c), (e) and (g).

9. In Condition A11, renumber part (d) to (b) and (f) to (c) and insert new part (d) as follows:

   (d) low density residential lots in the Residential Precinct must not be less than 500 square metres (m^2) and must have regard to the requirements of the Shoalhaven Development Control Plan 2014.

In Schedule 1: Conditions for the Concept Proposal, Part B – Environmental Performance Conditions

10. In Condition B6(e), delete the words 'irrigation of sporting fields (25,600 m^2) and open parkland (10,000 m^2, 1,300 m^2, 16,850 m^2 and 7,700 m^2 areas)' and replace with the following:

    irrigation of a total area of 61,450 m^2.

11. In Condition B8, insert the following words before 'The Applicant must':

    Until such time the maintenance and control of the stormwater treatment assets are accepted by Council,

12. In Condition B16(a), insert the following words after 'experienced person':

    and be reviewed by Heritage NSW;

13. Insert a Note at the end of Condition B16 as follows:

    Note: For the purposes of this condition, the reference to Heritage NSW, is a reference to the Development Coordination Authority.

14. In Condition B27(b), insert the following words after ’12 October 2020’:

    as modified by the Addendum Bushfire Assessment prepared by Ecological Australia dated 15 July 2024;

15. Delete Condition B33, and replace with the following wording:

    B33. The Applicant must maintain the access roads and intersections for the Concept Proposal for a period of 12 months following acceptance of practical completion by Council. The Applicant must continue to maintain all private roads within the Concept Proposal.

16. Insert new Condition B37A after Condition B37 as follows:

    B37A. Condition B37 no longer applies once the sewer infrastructure is accepted by Council and the 12-month maintenance period has ceased.

17. Delete Conditions B41 to B47 and replace with the following new Conditions B41 to B45:

    B41. The foreshore reserves must be completed and dedicated to Council as follows:

    (a) in Stage 1 of the residential precinct for the foreshore reserve located in the residential precinct; and
    (b) in Stage 1 of the town centre precinct for the foreshore reserve located in the town centre precinct.

    B42. Park 1 must be completed in Stage 1 of the residential precinct to provide residents with appropriate public open space and amenity and for water quality purposes.

    B43. Park 2 must be completed in Stage 1of the industrial area precinct to provide this area and the adjacent residential area with appropriate public open space and amenity.

    B44. Park 3 and 4, including the sportsground and amenities, must be completed in Stage 1 of the town centre precinct to provide residents with appropriate public open space and amenity and for water quality purposes.

    B45. Community recreation facilities including a club house, amenities and car parking on Park 4, must be completed in Stage 1 of the town centre precinct to provide residents with appropriate public open space and amenity.

18. At Conditions B46 and B47, insert the words ‘deleted’.

19. Rename Table 2 from ‘Maximum No. of Lots’ to ‘ESD Controls’.

In Schedule 2: Conditions to be satisfied prior to construction

20. In Condition C16(f), delete the words ‘during the baseline period a progress report must be prepared when’ and replace with the following words:

    include an initial progress report 6 months after

21. In Condition C16(h), delete the words ‘oyster aquaculture’ and replace with the following words:

    receiving water quality

22. In Condition C17(f), delete the words ‘during the baseline period a progress report must be prepared when’ and replace with the following words:

    include an initial progress report 6 months after

23. In Condition C18(d), delete the words ‘Environmental Auditor’ and replace with ‘independent expert’.

24. In Condition C18(f), delete the words 'Environmental Auditor' and replace with 'independent expert'.

25. Delete Condition C19 and replace with the following:

C19. Prior to the commencement of construction of any stage of the Concept Proposal, the Applicant must retire the ecosystem and species credits listed in Table 3 and Table 4, to offset the removal of 47.46 ha of native vegetation and habitat on the site. The credits must be retired in accordance with the requirements of the Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016.*

Table 3: Biodiversity Offsets – Ecosystem credits

Plant Community Type	**Direct impact (ha)**	**Credits**	**HBT credit**
South Coast Lowland Shrub-Grass Forest (good)	40.64	1,201	Y
South Coast Lowland Shrub-Grass Forest (firebreak)	0.61	17	N
South Coast Lowland Shrub-Grass Forest (DNG)	0.03	1	N
Coastal Alluvial Bangalay Forest (good)	4.47	156	N
Coastal Alluvial Bangalay Forest (DNG)	1.71	0	n/a
Total	**47.46**	**1,375**	**-**

Table 4: Biodiversity Offsets – Species credits

Common name	**Scientific name**	**Direct impact habitat (ha)**	**Credits**
White-bellied Sea Eagle	*Haliaeetus leucogaster*	9.22	363
Southern Myotis	*Myotis macropus*	9.61	385
Powerful Owl	*Ninox strenua*	38.64	1,535
White-footed Dunnart	*Sminthopsis leucopus*	41.25	1,625
Sooty Owl	*Tyto tenebriscosa*	44.31	2,653
Total			**6,561**

***Note**: The ecosystem and species credits should be sourced from the Applicant's Lake Wollumboola Biobank Site as a priority.*

26. Insert new Condition C20A after Condition C20 as follows:

C20A. The Applicant must protect and manage the retained foreshore and woodland reserves through implementation of the *West Culburra Vegetation Management Plan* (VMP) prepared by Ecological Australia dated 29 May 2026 or its latest version.

27. In Condition C27(a), after the words 'Australian Standards and' insert the words '/or'.

28. In Condition C28(b), insert the following words after '12 October 2020':

as modified by the Addendum Bushfire Assessment prepared by Ecological Australia dated 15 July 2024;

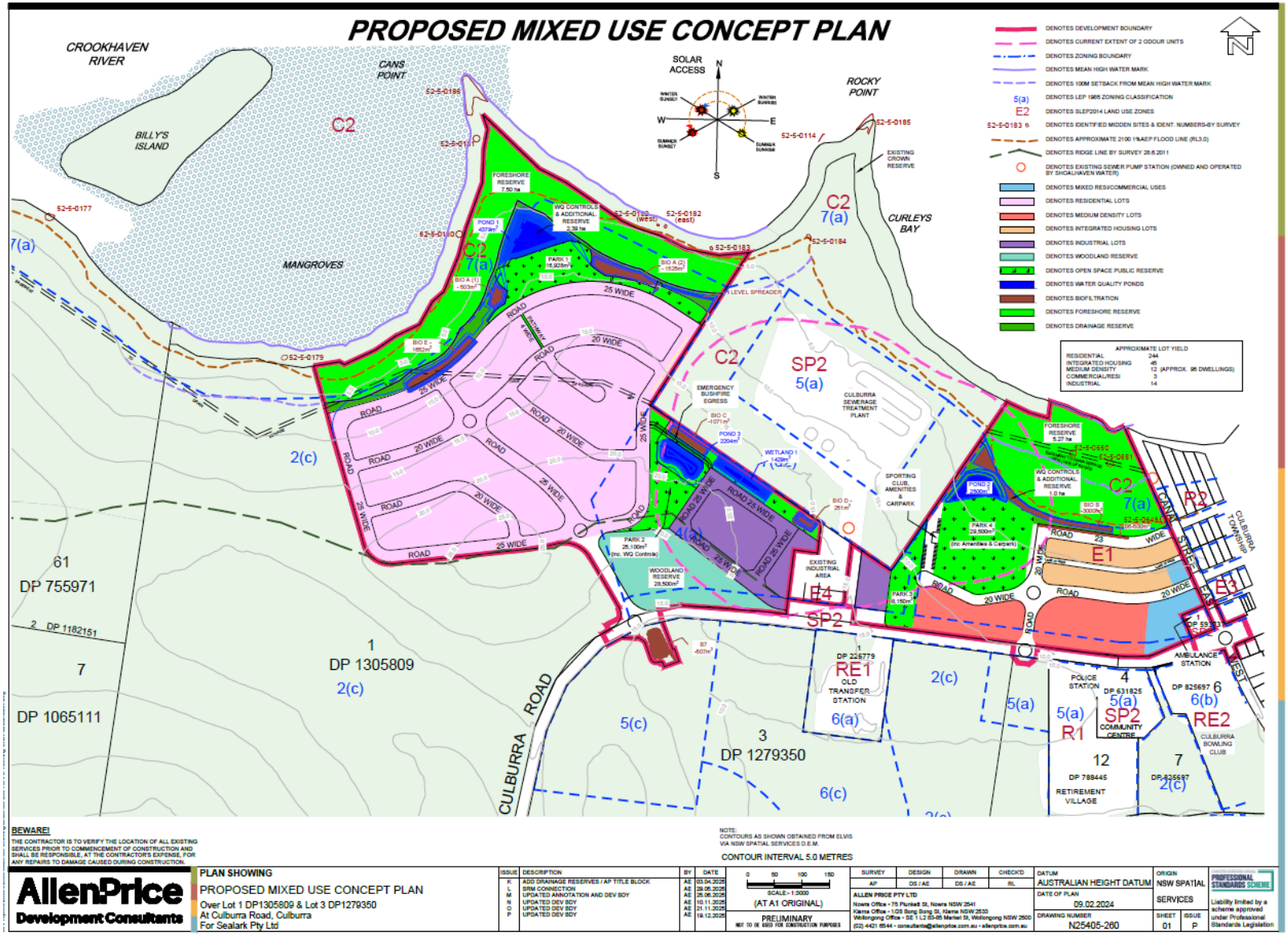
29. Insert new Condition C28(d) after Condition C28(c) as follows:

(d) asset protection zones are located outside of retained foreshore and woodland reserves.

In Appendix 1 – Concept Plan

30. Delete the Concept Proposal layout plan and replace it with the modified Concept Proposal layout plan as follows:

APPENDIX 1: CONCEPT PLAN MOD 1



In Appendix 2 – Applicant's Management and Mitigation Measures

31. Delete the Applicant's Management and Mitigation Measures and replace with the new Applicant's Management and Mitigation Measures below.

APPENDIX 2 – APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Item	Commitment AND/OR Mitigation Measure	Timing
1. General		
1.1	The developer will carry out the development in accordance with the conditions of the Concept Plan approval.	For the duration of the subdivision process and any maintenance period.
2. Legislative Controls/Requirements		
2.1	At a minimum, the developer will obtain and maintain the following licences, permits and approvals for subsequent staged subdivision that forms part of the Concept Plan: • Shoalhaven City Council – Development Consent for the subdivision of land. • Shoalhaven City Council / Certifier – Subdivision Works Certificate approval for engineering works related to each stage of the subdivision. • Shoalhaven City Council - Section 138 Consent for roadworks (Roads Act 1993); • Endeavour Energy - Design Certification; • Endeavour Energy - Notification of Arrangement; • NBN / Telstra / Telecommunications Provider - Compliance Certificate; • Shoalhaven Water – Certificate of Compliance; • Shoalhaven Water – Design and Construction Approval; • Shoalhaven City Council/ Principal Certifying Authority – Subdivision Certificates for each stage; • Department of Land and Property Information - registration of the subdivision.	For the duration of the subdivision process and any maintenance period.
3. Staged Subdivision		
3.1	The developer will carry out the preparation and lodgement of Development Applications for the proposed staged development in accordance with the conditions of any Development Consent for the Concept Plan and give consideration to requirements of the Shoalhaven Development Control Plan 2014.	For the duration of subdivision applications and any maintenance period.
4. Plan of Subdivision and s88B Instrument		
4.1	The developer will prepare a Plan of Subdivision and Section 88B Instrument for each stage of the development.	Prior to the release of each Subdivision Certificate.
5. Natural Environment		
5.1	The developer will "offset" the impacts of any clearing of native vegetation in accordance with the proposed Biodiversity Offset Strategy as outlined in the Terrestrial and Aquatic Ecology section below.	Prior to clearing works being commenced.
5.2	The developer will minimise the impact to the natural environment by completing all works in accordance with the documents supporting any Development Applications and any Development Consents issued by Consent Authorities.	For the duration of subdivision applications and any maintenance period.
6. Built form and urban design		
6.1	The developer will seek approval for subsequent subdivision stages in accordance with the Concept Plan which informs built form and urban design of the site.	For the duration of subdivision applications.
7. Public Open Space		
7.1	The developer will design and embellish public reserves in accordance with the Concept Landscape Plan and conditions as part of the Concept Plan approval.	Prior to release of Subdivision Works Certificate for each stage containing a public reserve.

Item	Commitment AND/OR Mitigation Measure	Timing
7.2	The developer will seek approval for the detailed landscape design and embellishment for all public reserves as part of future subdivision applications.	As part of future subdivision applications.
7.3	The developer will dedicate all public reserves and sportsground facilities to Shoalhaven City Council.	Prior to release of Subdivision Certificate and dedicated upon registration.
7.4	The developer will provide Shoalhaven City Council with an Operations and Maintenance Manual/Plan for any Water Sensitive Urban Design measures in the subdivision which will be transferred to SCC ownership.	Prior to release of Subdivision Certificate.
8.	**Terrestrial & Aquatic Ecology**	
8.1	The developer will provide a vegetated foreshore reserve that exceeds 100m in width between the edge of the foreshore road reserve and the Mean High Water Mark and the Crookhaven River adjoining the Residential Precinct.	As part of the Stage 1 Residential Precinct subdivision registration or earlier.
8.2	The developer will provide a vegetated foreshore reserve that exceeds 100m in width between the edge of the foreshore road reserve and the Mean High Water Mark and the Crookhaven River adjoining the Town Centre Precinct.	As part of the Stage 1 Town Centre Precinct subdivision registration or earlier.
8.3	The developer will provide a vegetated woodland reserve which provides a natural entry feature to the Culburra Beach village.	As part of the Stage 1 Residential Precinct subdivision registration or earlier.
8.4	The developer will prepare a Vegetation Management Plan for the foreshore and woodland reserves to guide future management of this land.	Prior to the release of the Subdivision Works Certificate for that stage of the development.
8.5	The developer will provide a sewer system to current industry standards and in accordance with any Concept Plan requirement and Shoalhaven Water criteria and obligations.	Prior to the release of the Subdivision Works Certificate for the relevant stage of the development.
8.6	As part of new sewer line commissioning, the developer will test for leaks or potential stormwater ingress and to minimise the potential for future wet-weather ingress.	Prior to the release of the Subdivision Works Certificate for the relevant stage of the development.
8.7	The developer will provide staged retirement of relevant ecosystem credits required by the revised Concept Plan which can be met primarily by credits already registered and owned by the developer (Sealark Pty Ltd) and are available at the Lake Wollumboola Biobank Site.	In accordance with the requirements of Condition C19.
8.8	The developer will prepare a Construction Environmental Management Plan for subsequent staged subdivision approval by Shoalhaven City Council including education of workers in the approvals and conditions requiring compliance (including soil erosion and sediment controls, flora and fauna and aboriginal archaeological considerations).	Prior to the commencement of construction and for the duration of the development.
8.9	The developer will prepare a Development Operational Environmental Management Plan for subsequent staged subdivision approval by Shoalhaven City Council to oversee future management and maintenance of the development site.	Prior to the commencement of construction and for the duration of the development.
9.	**Bushfire Management**	
9.1	The developer will deliver each stage of the Concept Plan incorporating Asset Protection Zones in accordance with the approved Bushfire Protection Assessment and in accordance with Planning for Bushfire Protection 2019.	Prior to the release of the Subdivision Certificate for each stage.
9.2	The developer will install relevant infrastructure as required, including public roads, fire hydrants and fire trails.	Prior to the release of the Subdivision Certificate for each stage.
9.3	The developer will impose a Section 88B Restriction on residual lots to be developed in future stages which are in accordance with the staging plans shown in the Bushfire Protection Assessment and in accordance with Planning for Bushfire Protection 2019.	Prior to the release of the Subdivision Certificate for each stage.
10.	**Water Quality Management and Soil Control**	

Item	Commitment AND/OR Mitigation Measure	Timing
10.	The developer will design, construct and dedicate water quality control measures to the requirements of Shoalhaven City Council which are in accordance with the Concept Plan's Integrated Water Cycle Management Strategy and Concept Plan approval requirements.	Prior to the release of the Subdivision Certificate for each stage.
10.	The developer will maintain the water quality monitoring and control measures as outlined in the Concept Plan's Integrated Water Cycle Management Strategy and Concept Plan approval requirements.	Until such time the respective assets specified in the IWCMS are handed over to Council.
10.	The developer will design, implement and maintain a soil and water management plan to control sediment and erosion during construction in accordance with the Blue Book and requirements of Concept Plan's Integrated Water Cycle Management Strategy.	Prior to release of the Subdivision Works Certificate for each stage.
10.	The developer will maintain a logbook during the operational phase of all sediment and erosion measures. The logbook will record the date and time of inspection, observations made during the inspection, recommendations for remedial works, and a sign-off for when such works were completed and who completed the works.	For the duration of relevant stages of subdivision works.
11. Ecologically Sustainable Development		
11.	The developer will provide ecologically sustainable development outcomes in accordance with the Ecologically Sustainable Development report that supports the Concept Plan.	As required for relevant components of the development.
12. Aboriginal Heritage		
12.	The developer will implement relevant recommendations of the Aboriginal Cultural Heritage Assessment dated 3 July 2026.	For the duration of subdivision works.
12.	The developer will liaise with the Aboriginal Community when earthworks are being undertaken in close proximity to a known Aboriginal Heritage item.	Ongoing through the construction of the subdivision.
13. Traffic		
13.	The developer will provide dedicated pedestrian and cycle routes proposed as part of the Concept Plan.	Prior to the release of the Subdivision Certificate for a relevant stage.
13.	The developer will provide all new bus stops identified in the Concept Plan with shelter, seating, lighting, and an area for timetable information.	Prior to the release of the Subdivision Certificate for a relevant stage.
14. Infrastructure		
14.	The developer will provide footpaths as approved in the Concept Plan in future subdivision approvals and in accordance with the requirements of Shoalhaven City Council.	Prior to the release of the Subdivision Certificate for each relevant stage.
14.	The developer will provide street signs for future subdivision approvals in accordance with the requirements of Shoalhaven City Council.	Prior to the release of the Subdivision Certificate for each stage.
14.	The developer will provide underground power to each residential lot in future subdivision approvals in accordance with the requirements of Endeavour Energy.	Prior to the release of the Subdivision Certificate for each stage.
14.	The developer will provide underground telecommunications infrastructure to each lot in the future subdivision approvals in accordance with requirements of the telecommunications provider.	Prior to the release of the Subdivision Certificate for each stage.
14.	The developer will install street lighting in future subdivision approvals in accordance with the requirements of Endeavour Energy.	Prior to the release of the Sub-division Certificate for each stage.
14.	The developer will install street and interallotment drainage as necessary in accordance with future subdivision plans approved by Shoalhaven City Council.	Prior to the release of the Subdivision Certificate for each stage as applicable.
14.	The developer will provide reticulated water and sewerage services to each lot in the future subdivision approvals in accordance with the requirements of Shoalhaven Water.	Prior to the release of the Subdivision Certificate for each stage.
14.	The developer will provide a stormwater re-use system in accordance with the Concept Plan's Integrated Water Cycle Management Strategy and Concept Plan approval requirements.	Prior to the release of the Subdivision Certificate for each stage.

Item	Commitment AND/OR Mitigation Measure	Timing
14.	Within the proposed public reserves, the developer will provide access to a stormwater re-use system and a single connection to the reticulated water supply.	Prior to the release of the Subdivision Certificate for each stage/s containing public reserve.
15. Geotechnical		
15.	The developer will carry out the subsequent subdivision in accordance with the geotechnical report that supports the Concept Plan.	Prior to the release of the Subdivision Certificate for each stage.
16. Contamination		
16.	The developer will carry out the subsequent subdivision in accordance with the Stage 1 Land Contamination Assessment report that supports the Concept Plan.	Prior to the release of the Subdivision Certificate for each stage.
17. Waste Minimisation and Management		
17.	The developer will prepare a Waste Minimisation and Management Plan in accordance with Shoalhaven Development Control Plan 2014 for approval by Shoalhaven City Council in subsequent subdivision applications.	Prior to the release of the Subdivision Works Certificate for each stage.
18. Developer Contributions		
18.	The developer will pay Section 7.11 developer contributions in accordance with Shoalhaven City Council's Contributions Plan and any other relevant polices on a "per ET" basis for each stage of subdivision.	Prior to the release of the Subdivision Certificate for each stage.
18.	The developer will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable and other relevant policies at the time of payment.	Prior to the release of the Subdivision Certificate for each stage.