Shoalhaven City Council

Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2025/2081
Applicant	Allen Price Pty Ltd
Description of development	Six Lot Torrens Title Subdivision & Vegetation Management Works
Property	Culburra Road CULBURRA BEACH NSW 2540 - Lot 1 DP 1305809
Determination	Approval
Date of determination	10 July 2026
Date from which the consent operates	10 July 2026
Date on which the consent lapses	10 July 2031

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for Grant of Consent

a) The development proposal, subject to the recommended conditions is consistent with:
   i) the objects of the Environmental Planning and Assessment Act, 1979.
   ii) the aims, objectives and provisions of the applicable environmental planning instruments,
   iii) the aims, objectives and provisions of applicable development control plans
   iv) the aims, objectives and provisions of relevant Council policies.

b) The likely impacts of the proposed development are considered acceptable.

c) The site is suitable for the proposed development.

d) Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.

e) The proposed development does not conflict with the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

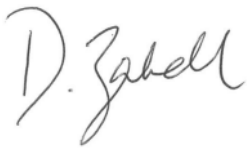
Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority



David Zabell
Lead – Development Services - Nowra
City Development

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

CONDITIONS	REASON
1. Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.	To ensure compliance with the approved plans and documents.

Approved Plans

Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
Drawing No: N25405-280 Sheet No.: 01	Issue: 3	Existing/Proposed Lot Layout and Site Detail Plan	Allen Price Pty Ltd	08/09/2025
Drawing No: N25405-263 Sheet No.: 01	Issue: 3	Proposed Torres Title Subdivision	Allen Price Pty Ltd	19/08/2025
Drawing No: N25405-263 Sheet No.: 02	Issue: 3	Proposed Torres Title Subdivision	Allen Price Pty Ltd	19/08/2025

Approved Documents

Document title	Version number	Prepared by	Date of document

	<table><tr><td>Vegetation Management Plan</td><td>Version: 14</td><td>Eco Logical Australia</td><td>29/05/2026</td></tr><tr><td>Construction Environmental Management Plan</td><td>Version: 8</td><td>Eco Logical Australia</td><td>06/06/2026</td></tr></table> In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.	
2.	**Concept Approval – Compliance with Conditions** No works associated with the approved development are permitted to be undertaken until satisfactory evidence has been provided to Council that the relevant conditions as outlined within the most recent version of the Staging Plan approved by the Planning Secretary for the West Culburra development has been complied with. Note: Any changes to the approved staging plan may require the retirement of credits.	To ensure that works are undertaken consist with the overarching Concept Approval
3.	**Existing Infrastructure** Any required alterations or damage to infrastructure will be at the developer's expense. *Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.*	To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.
4.	**Prescribed Conditions** The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable.	To ensure compliance with prescribed conditions.
5.	**Purpose of Subdivision** The purpose of the subdivision is the demarcation of six (6) separate allotments in accordance with the concept approval SSD- (as modified). No physical works are proposed to be undertaken for the creation of these lots as part of this consent.	To ensure the purpose of the subdivision is clear.
6.	**Shoalhaven Water – Compliance with Conditions** All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant	To ensure compliance with Shoalhaven

	to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.	Water requirements.
7.	**Concurrence and Referral – NSW Rural Fire Service** The advice/General Terms of Approval issued by the NSW Rural Fire Service, Reference No: CNR-93342, dated 19/03/2026 are included as conditions of this consent and must be complied with.	To ensure compliance with external concurrence and referral advice.
8.	**Concurrence and Referral – Endeavour Energy** The advice issued by the Endeavour Energy, Reference No: CNR-93342, dated 11/03/2026 are included as conditions of this consent and must be complied with.	To ensure compliance with external concurrence and referral advice.
9.	**Street Numbering** Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy. Street numbering for the development must be as follows: **Lot 31 - Culburra Rd, Culburra.** **Lot 32 - Address off Proposed Road Lot 33** **Lot 33 - Proposed Rd** **Lot 34 - Culburra Rd, Culburra** **Lot 35 - Culburra Rd, Culburra.** **Lot 36 - Canal St East, Culburra** The allocated numbers must be shown on any future engineering/construction plans. Where plans and details are provided to service suppliers, numbers must be in accordance with the above.	To ensure consistent and appropriate street numbering.
10.	**Limits of consent – Clearing of Native Vegetation** This consent is for the subdivision of land only and does not permit the vegetation clearing, disturbance to vegetation, site preparation or stockpiling within areas of native vegetation or of biodiversity value identified within the *West Culburra Mixed Use Development Biodiversity Development Assessment Report* (version 4), prepared by Eco Logical Australia and dated 8 May 2026. Any future clearing must be conducted in accordance with the approval issued for the overarching SSD 3846 Concept	To ensure compliance with the Biodiversity Conservation Act 2026.

	Development (including approved modifications) and any Commonwealth approvals, including, but not limited to, the retirement of biodiversity credits prior to any native vegetation clearing within the approved Concept Development footprint, as well as other relevant approvals issued by Shoalhaven City Council.	
11.	**Traffic Management Plan** Before the commencement of works, a Traffic Management Plan detailing the proposed method of dealing with traffic and parking must be approved by Council. Details must include, but are not limited to: a) Proposed haulage routes for delivery of materials to the site b) Proposed haulage routes for spoil disposal from the site c) Parking arrangements for employees and contractors d) Proposed maintenance of the haulage routes and access locations e) Name of the person responsible for such maintenance f) Loading / unloading areas g) Requirements for work zones h) Pedestrian and cyclist safety i) Speed zone restrictions.	To ensure traffic is managed in a safe and appropriate manner.
12.	**Biodiversity – Vegetation Management Plan (Commencement)** Notice must be submitted to Shoalhaven City Council a minimum of one (1) week before the works and measures specified in the approved Vegetation Management Plan are to commence.	To ensure compliance with the Vegetation Management Plan.
13.	**Erosion and Sediment Controls – Implementation** Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).	To ensure appropriate erosion and sediment control measures are in place.
14.	**Aboriginal Heritage - Mitigation Measures** Before any site work commences, Temporary boundary fencing must be installed no less than:	To ensure the protection of objects of

	a) 40m from any midden associated with the Crookhaven River Midden Complex b) 10m from the listed boundary of any Aboriginal Heritage Information Management System (AHIMS) registered artefact site Temporary boundary fencing is to be either steel construction fencing, or parawebbing.	potential significance during works.
15.	**Discovery of relics and Aboriginal objects** While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately. a) the following must be notified for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.	To ensure the protection of objects of potential significance during works.
16.	**Progress Reports – Vegetation Management Plan** Monitoring reports demonstrating progress towards Vegetation Management Plan objectives must be provided to Shoalhaven City Council and include a baseline report before the start of works and then on an annual basis until such time that the land is dedicated to Shoalhaven City Council.	To ensure compliance with the Vegetation Management Plan.
SUBDIVISION WORK **Before the Issue of a Subdivision Certificate**		
CONDITIONS		REASON
17.	**Subdivision - Subdivision Certificate**	To ensure appropriate subdivision

	A Subdivision Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.	certificates are obtained.
18.	**Subdivision - Schedule of Compliance** The Subdivision Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.	To ensure conditions of consent have been satisfied or other satisfactory arrangements made.
19.	**Compliance with SSD 3846 Concept Development** Prior to the issue of a Subdivision Certificate, the developer must submit evidence that demonstrates that the approved subdivision plans referenced within this consent align with all layout and boundaries of the precincts and reserves identified SSD 3846 Concept Development, including the approved Vegetation Management Plan and approved Construction Environmental Management Plan. Approval must be obtained from Shoalhaven City Council in writing, prior to the issue of a Subdivision Certificate.	To ensure that approved plans are updated with the recent changes to the Concept approval.
20.	**Section 7.11(1&3) monetary contribution** In accordance with section 7.11(1) and (3) of the Environmental Planning and Assessment Act 1979 and Shoalhaven Contributions Plan 2026 (the Plan), a monetary contribution of **$6,776.80** must be made to Council. The monetary contribution is required towards the cost to Council of the provision, extension or augmentation by Council of the public amenities and public services specified in the Works Schedules in Appendix E of the Plan, and/or the recoupment by Council of the costs incurred by Council of the provision, extension or augmentation by Council of the following public amenities and public services specified in the Works Schedules in Appendix E:	To ensure applicable local infrastructure contributions are collected.

Project	Description	Qty	Amount
ADMIN	Plan Administration	2	**1,608.84**
AQF1	Nowra Aquatic Centre	2	**499.38**
ATP1	Active transport network program	2	**826.36**
CCF1	Shoalhaven Entertainment Centre	2	**976.98**
CCF3	Community Buildings Accessibility Program	2	**32.46**
CMP1	Coastal Management Program	2	**509.76**
OSP1	Recreation Space Shade Program	2	**75.64**
OSP2	Nowra Riverfront Precinct Open Space	2	**655.04**
PDU1	Berry Street, Nowra	2	**26.24**
RDS1	Nowra Riverfront Precinct Access Road	2	**137.32**

SPF1	Boongaree Regional Destination Park	2	**147.14**
SPF2	SCaRP South - Shoalhaven Indoor Sports Centre	2	**406.68**
SPF3	Lyrebird Sports Park	2	**85.00**
SPF4	Park Road Netball Court	2	**122.24**
SPF5	SCaRP North - Land	2	**72.94**
RDS2	Currarong Road	2	**594.78**
		Total	**$6,776.80**

The amount of the monetary contribution payable to Council will be adjusted in accordance with the Plan before payment according to positive movements in the Consumer Price Index (All Groups Index) for Sydney (CPI) for the period between the date of this consent and the day on which the monetary contribution is made.

The monetary contribution must be made to Council before the issuing of a Subdivision Certificate.

If, before the time the monetary contribution is required to be made, Council has, under section 7.11(5) of the Environmental Planning and Assessment Act 1979, entered into a written agreement with the Applicant to accept a material public benefit in part or full satisfaction of the monetary contribution, the amount of the monetary contribution required to be made to Council pursuant to this condition will be the amount, if any, required as a consequence of that agreement.

A copy of the Plan and accompanying information is available on Council's website www.shoalhaven.nsw.gov.au.

Click the link to visit our Contributions page and **request an invoice for payment**. Shoalhaven Contributions Plan | Shoalhaven City Council

21. **Housing and Productivity Contribution**

Before issue of subdivision Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	**Amount**
Housing and productivity contribution (base component)	$17,334.29
Transport project component	
Total housing and productivity contribution	**$17,334.29**

The HPC must be paid using the NSW planning portal.

To require contributions towards the provision of regional infrastructure

	At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.	
22.	**Shoalhaven Water – Certificate of Compliance** Before the issue of any Subdivision Certificate, a Certificate of Compliance under section 307 of the Water Management Act 2000 must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice. If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.	To ensure compliance with Shoalhaven Water Requirements.
23.	**Restrictions - Existing Easements and Restrictions on Use of Land** Before the issue of the Subdivision Certificate a) all existing easements must be acknowledged on the final subdivision plan. b) all existing restriction on the use of land must be acknowledged on the final subdivision plan.	To ensure easements and restrictions are noted on subdivision plans.
24.	**Restrictions – Easements and Restrictions on Use of Land** An Instrument must be prepared under section 88B of the *Conveyancing Act 1919* which will provide for the following Restrictions on the land when the subdivision is registered: a) The management actions required under the approved Vegetation Management Plan, version: 14, prepared by Eco Logical Australia dated 29/05/2026 must be implemented in its entirety and all performance criteria and	To ensure the feedback of the s.34 Land and Environment Court Act 1979 proceedings are upheld.

	condition targets identified within the Vegetation Management Plan. b) There must be no native vegetation clearing, disturbance or pruning to native vegetation, site preparation or stockpiling clearing within areas of native vegetation or impacts to biodiversity values within the residue Lot 31. The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council. The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments. A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.	
SUBDIVISION WORK **Ongoing Use**		
CONDITIONS		REASON
25.	**Biodiversity – Vegetation Management Plan (Ongoing Management)** The management actions required under the approved Vegetation Management Plan must be implemented in its entirety and all performance criteria and condition targets identified within the Vegetation Management Plan.	To ensure ongoing compliance with the Vegetation Management Plan.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.