Shoalhaven City Council

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shoalhaven.nsw.gov.au

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2026/1529
Applicant	Allen Price
Description of development	Construction of a roundabout, temporary sediment basin, tree removal and mitigation measures
Property	Culburra Road CULBURRA BEACH NSW 2540 - Lot 1 DP 1305809, Lot 11 DP 1323231 and Lot 12 DP 1323231
Determination	Approval
Date of determination	13 October 2026
Date from which the consent operates	13 October 2026
Date on which the consent lapses	13 October 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 lodged and the review assessed and completed by Council within 6 months after the date that you received the original determination notice provided that an appear under section 8.7 pf 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
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	Rev	Plan Title	Drawn by	Date of Plan
25405-470	P0	Cover Sheet And Index Plan	Allen Price	20 April 2026
25405-471	P0	Clearing Layout Plan	Allen Price	20 April 2026
25405-472	P0	General Arrangement Layout Plan	Allen Price	20 April 2026
25405-473	P0	Sediment And Erosion Control Plan	Allen Price	20 April 2026
25405-474	P0	Road Long Sections Plan	Allen Price	20 April 2026
25405-475	P0	Road Typical Details Plan	Allen Price	20 April 2026
25405-476	P0	Line Marking And Sign Posting Layout Plan	Allen Price	20 April 2026
25405-477	P0	Stormwater Drainage Layout Plan	Allen Price	20 April 2026
25405-478	P0	Stormwater Drainage Long Sections Plan	Allen Price	20 April 2026
25405-479	P0	Roundabout Sight Line Layout Plan	Allen Price	20 April 2026

	Approved Documents

	<table><tr><th>Document title</th><th>Reference</th><th>Prepared by</th><th>Date of document</th></tr><tr><td>Arboricultural Impact Assessment Report</td><td>D5760.1</td><td>Allied Tree Consultancy</td><td>April 2025</td></tr><tr><td>Flora and Fauna Assessment</td><td>Version 2</td><td>Eco Logical Australia</td><td>10 April 2026</td></tr></table> In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.	
2.	**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.
3.	**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.
4.	**Scope of Consent** The scope of this consent is limited to only the works proposed in this application, and it does not approve or imply approval of any existing unlawful works that may be present on the site.	To establish the scope of the development consent.
5.	**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 that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.	To ensure compliance with Shoalhaven Water requirements.
6.	**Compliance with Concept Approval SSD-3846** The development is to be undertaken in accordance with the relevant conditions of the Concept Approval SSD-3846 (as amended), particularly any approved Staging Plan.	To ensure consistency with the concept approval.
7.	**Concurrence and Referral – Endeavour Energy** The advice issued by the Endeavour Energy, Reference No: CNR-95736, dated 20 May 2026 are included as conditions of this consent and must be complied with.	To ensure compliance with external concurrence and referral advice.

BUILDING WORK **Before Issue of a Construction Certificate**		
CONDITIONS		REASON
8.	**Biodiversity - Retirement of Biodiversity Credits** Before the issue of a Construction Certificate or any works impacting biodiversity values, the Director – City Development (or delegate) of Shoalhaven City Council must confirm in writing that all biodiversity credits required to be offset under condition C19 of SSD-3846 have been retired. Note: A Certifier cannot assume the role of the consent authority in confirming compliance with offset conditions.	The ensure that biodiversity offsets are required in accordance with the Biodiversity Conservation Act 2016 and the concept approval
9.	**Council Approvals - Evidence** A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works.	To ensure all required approvals are obtained.
10.	**Erosion and Sediment Controls - Erosion and Sediment Control Plan** Before issue of a Construction Certificate, the approved Erosion and Sediment Control Plan (ESCP) and specifications must be updated as necessary to be in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier. All plans must include: a) Site access location and stabilisation details and restrictions; b) Erosion control locations and types; c) Sediment control locations and types; d) Soil, water and drainage management plans; e) Site rehabilitation details; f) Inspection and maintenance details; g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; h) Existing and final contours (clearly distinguished and adequately annotated); i) Standard construction drawings for proposed soil, water and drainage management measures.	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	j) All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO). All implemented measures must: k) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO). l) be maintained at all times. m) not be decommissioned until at least 70% revegetation cover has been established.	
11.	**Local Infrastructure Contribution** In accordance with section 7.12 of the Environmental Planning and Assessment Act 1979 and Shoalhaven Contributions Plan 2026 (the Plan), the Applicant is required to pay to Council a levy of 1% of the proposed cost carrying out the development for which consent is granted as determined in accordance with section 208 of the Environmental Planning and Assessment Regulation 2021 and the Plan. The levy is required towards the cost of the provision, extension or augmentation by Council of one or more of the public amenities and public services specified in the Works Schedules in Appendix F of the Plan. At the date of this consent, the proposed cost of carrying out the development the subject of this consent is determined by Council to be $690,800 and the amount of the levy payable to Council is $6,908. The proposed cost of carrying out the development the subject of this consent will be adjusted before payment of the section 7.12 levy 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 section 7.12 levy is paid. The levy must be paid to Council before the issuing of a Construction Certificate. 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	To ensure applicable local infrastructure contributions are collected.
12.	**Long Service Levy** Before the issue of the relevant Construction Certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry *Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the Certifier.	To ensure compliance with long service levy requirements.

13.	**Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility and hoisting over a public road** Before the issue of a Construction Certificate, an application for water supply, sewerage and stormwater drainage and/or sewage management facility and hoisting over a public road must be approved under section 68 of the *Local Government Act 1993*.	To ensure relevant approvals are obtained.
14.	**Road - Design Standards (Urban)** Before the issue of a Construction Certificate, certified road design engineering plans must be prepared by a suitably qualified engineer or surveyor and approved by Council. The road design must comply with the following: a) Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design. b) AUSTROADS Design Requirements and Specifications. c) Integral kerb and gutter in accordance with Council's Standard Drawings, with alignment as per the approved concept plans. d) A road shoulder pavement constructed from the gutter crossing to 300mm beyond the edge of existing bitumen seal on a pavement having a minimum compacted thickness of 300mm and either: i) a minimum 30mm AC10 on a primer seal; or, ii) 2 coat bitumen seal with 14mm & 7mm aggregate e) The kerb and gutter must have a minimum grade of 0.5% and the longitudinal design must extend a minimum of 30 metres each end of the development and at least 60m if the grade is <0.5% or ≥ 0.3%. f) The road table drain either side of the proposed development is to be reconstructed as required to match the kerb and gutter and to prevent ponding of water, including any adjustment or reconstruction of nearby driveways. g) Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral. h) The temporary pavement area is to be constructed on geofabric and provided with satisfactory erosion and sediment controls. i) The construction of a roundabout at the intersection of roads Culburra Road and Road 08, as per the approved concept plans, in accordance with AUSTROADS and Transport for NSW (TfNSW) specifications, supported by a sight distance audit on all approach legs.	To ensure road and pavement infrastructure is appropriately designed.

15.	**Local Transport Forum** Before issue of a Construction Certificate, details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Local Transport Forum. These plans must be provided with sufficient detail, including all relevant dimensions (such as road widths, travel lane widths, typical sections with dimensions of proposed traffic control devices, positioning and locations of signage, lengths and offsets for linemarking) and a matrix of all signage, linemarking and traffic control devices, to demonstrate compliance to relevant Australian Standards. Note: This process can take six to eight weeks.	To ensure proposed traffic management and traffic control devices are endorsed by the Shoalhaven Local Transport Forum.
16.	**Footpath/ Shared Path - Design Standards** Before the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following: a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design. b) A 2.0 metre-wide concrete SHARED PATH designed as per the approved concept plans, with: i) 3% cross fall from the boundary to top of kerb. ii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed. iii) kerb ramps at intersections and locations per the approved concept plans, in accordance with Council's Engineering Design Specifications.	To ensure road and pavement infrastructure is appropriately designed.
17.	**Road Lighting Design** Before the issue of a Construction Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).	To ensure carpark lighting is appropriately designed.
18.	**Stormwater – Major Development Design Standards (Urban)** Before the issue of a Construction 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.	To ensure stormwater infrastructure is designed appropriately.

	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 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. c) Generally, in accordance with approved concept stormwater design plan 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) The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required: i) existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04. ii) all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.	
19.	**Water Sensitive Urban Design – Temporary Sediment Basin** Before the issue of a Construction Certificate, a detailed design of the temporary sediment basin 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 and is to be approved by Council. Specification can be found on Council's website. The temporary sediment basin must remain operational and be maintained until the permanent stormwater treatment measures approved under SSD 3846 have been constructed and commissioned. a) The proposed WSUD strategy must comprise a temporary sediment basin which must remain in place until the approved permanent stormwater treatment devices have been constructed. b) The WSUD strategy must be able to remove all litter greater than 40mm and retain sediment coarser than 0.125mm for flows up to the 4 exceedances per year (EY) event, complies with the criteria of Neutral or Beneficial Effect (NorBE) for water quality in the Crookhaven River, and removes 80% of Total Suspended	To ensure stormwater infrastructure is designed appropriately.

	Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance. c) The 50% AEP pre-development peak discharge must be maintained. d) The post-development duration of stream forming flows must be no greater than a stream erosion index of 2. The temporary sediment basin design must comply with the following: e) The temporary sediment basin must have a minimum surface area of 340m^2, capacity of 370m^3 and 100mm extended detention depth (EDD). f) Erosion protection must be provided in the temporary sediment basin inlet and outlets locations, in accordance with Council's Engineering Design Specification. g) The outlet structure must be designed to retain all litter greater than 40mm within the temporary sediment basin for flows up to the 4 exceedances per year (EY) event. h) Land must be retained around the temporary sediment basin for access to stormwater infrastructure to conduct maintenance activities. A minimum 3m average width buffer around the stormwater devices (measured from the top of batter) are 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 temporary sediment basin that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council. j) A vehicle access ramp must be provided to the temporary sediment basin for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:12H 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) Councils Engineering Design Specification where relevant. l) A maintenance and inspection program for the temporary sediment basin must be prepared and implemented for the duration of its operation. The program shall include inspection frequencies, sediment removal triggers, vegetation management and procedures for rectification of erosion or scour.	
20.	**Water Sensitive Urban Design - Operation and Maintenance Manual**	To ensure stormwater

	Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council before the issue of the Subdivision Works Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.	infrastructure is designed appropriately.
21.	**Water Sensitive Urban Design – Compliance Checklists** Compliance checklists are to be prepared by the WSUD Designers and submitted to Council before the issue of the relevant Subdivision Works Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection before final handover.	To ensure stormwater infrastructure will be installed appropriately.
BUILDING WORK **Before Building Work Commences**		
CONDITIONS		REASON
22.	**Biodiversity – Site Preparation and Stockpiling** Before the commencement of any works and prior to the retirement of biodiversity credits required by Condition 8, there must be no vegetation clearing, disturbance to vegetation, site preparation or stockpiling clearing within areas of native vegetation within or beyond the approved development footprint. Note: Native vegetation includes groundcover, shrubs and trees.	To ensure impacts are offset prior to biodiversity impacts and to protect retained biodiversity values.
23.	**Biodiversity - Exclusion Fencing Map** Before the commencement of any works, a site plan showing the location of exclusion fencing such as parra-webbing or similar highly visible bunting surrounding the proposed development footprint must be submitted to the Project Arborist and the Certifier for review and approval. The exclusion fencing is to be designed to ensure that the limits of clearing permitted by this consent are not exceeded, being up to 0.82 ha of native vegetation, as identified for removal in the approved Flora & Fauna Assessment Report (Eco Logical Australia Pty Ltd, Version: 2, dated 10/04/2026) and the approved Arboricultural Impact Assessment Report (Allied Tree Consultancy, Reference: D5760.1, dated 04/2026). Exclusion fencing must be installed under the guidance of the Project Arborist in accordance with Appendix B of the approved Arboricultural Impact Assessment report.	To comply with approved plans and to protect retained biodiversity values.

	Before the commencement of work, approval must be obtained in writing from the Director – City Development (or delegate) of Shoalhaven City Council that this condition has been satisfied.	
24.	**Biodiversity - Tree / Environmental Protection Measures (Evidence of Installation)** Before the commencement of any work, the Project Arborist and Project Ecologist must confirm in writing to the Certifier that all required tree/biodiversity protection measures detailed in this consent and approved plans and documents are in place. Site works must not commence until the Certifier has confirmed in writing that the installed protection measures are satisfactory. Evidence of compliance with the above requirements must be forwarded to the Director – City Development (or delegate) of Shoalhaven City Council prior to the commencement of any clearing works for record keeping purposes.	To ensure that approved plans are complied with.
25.	**Biodiversity – Tree and Biodiversity Protection** Before the commencement of any clearing works the following requirements must be met to the satisfaction of the Certifier: a) A suitably qualified Project Ecologist must be engaged to conduct pre-clearance surveys and to guide/supervise the clearing work and protection of biodiversity features on the site. Evidence of engagement must be submitted to the Certifier prior to the commencement of work. b) An AQF Level 5 or above Project Arborist must be engaged to implement the recommendations and mitigation measures detailed in the approved Arboricultural Impact Assessment prepared by Allied Tree Consultancy (D5760.1; dated 04/2026). c) The Project Arborist and Project Ecologist is to hold a pre-construction site induction with principal contractor to discuss methods, equipment proposed, 'no-go' areas detailed in the approved Construction Environmental Management Plan prepared by Eco Logical Australia (Version 8) and dated 06/06/2026, importance of tree and vegetation protection measures and resolve any issues in relation to feasibility of tree and biodiversity protection requirements that may arise. d) The biodiversity exclusion fencing must be installed in accordance with the approved Exclusion Fencing Map, the approved Arboricultural Impact Assessment, Construction Environmental Management Plan and retained/maintained until all works are complete. e) Project Arborist to assess and certify that tree protection has been installed in accordance with AS 4970-2025. f) The Project Ecologist must implement all biodiversity protection measures required by this consent and approved plans and	To comply with approved plans and to protect retained biodiversity values.

	documents prior to commencement, including pre-clearing surveys and inspections. Vegetation removal must not commence if any fauna is confirmed to be nesting (such as hollow inspection, collection of nesting material) or showing signs of breeding activity. Subsequent pre-clearance surveys are to be undertaken following the completion of the nesting/breeding event, until it is confirmed that the site is clear of nesting/breeding activity. Evidence of compliance with the above requirements must be forwarded to the Certifier prior to the commencement of any clearing works for record keeping purposes.	
26.	**Biodiversity – Pre-Clearance Survey** Before the commencement of any on site work, the Project Ecologist must complete pre-clearing surveys and inspections in accordance with conditions of this consent and SSD-3846 as amended including the approved Construction Environmental Management Plan.	To comply with approved plans and to protect retained biodiversity values.
27.	**Appointment of Principal Certifier** Before building work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
28.	**Construction Certificate** A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.	To ensure a appropriate building Certificates are obtained.
29.	**Dilapidation Report** Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Council where it relates to public land, and the Certifier where it relates to privately owned land. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.

30.	**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.
31.	**Notice of Commencement** Notice must be given to Council at least two (2) days before the commencement of building work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'.	To ensure appropriate notice is given to Council.
32.	**Shoalhaven Water – Application for Certificate of Compliance** Before commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained. Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying. Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met. *Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.*	To ensure a Water Development Notice and Certificate of Compliance are obtained.
33.	**Toilet Facilities – Temporary** Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: g) be a standard flushing toilet connected to a public sewer, or h) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or i) be a temporary chemical closet approved under the *Local Government Act 1993*.	To ensure suitable toilet facilities are provided.

34.	**Waste Management Plan** Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.	To ensure an appropriate waste management plan is provided.
35.	**Works within the Road Reserve** Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the *Roads Act 1993*. The following details must be submitted to Council as part of the application: a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of $20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.	To ensure relevant approvals are obtained.
36.	**Construction Traffic Management Plan** Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council. Details must include, but are not limited to: a) Stabilised site construction access location b) Proposed haulage routes for delivery of materials to the site c) Proposed haulage routes for spoil disposal from the site d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors f) Proposed maintenance of the haulage routes and access locations g) Name of the person responsible for such maintenance h) Loading / unloading areas i) Requirements for construction or work zones	To ensure construction traffic is managed in a safe and appropriate manner.

	j) Pedestrian and cyclist safety k) Consultation with NSW Rural Fire Service l) Speed zone restrictions.	
BUILDING WORK **During Building Work**		
CONDITIONS		REASON
37.	**Biodiversity – Fauna Rescue Protocol** A suitably qualified Project Ecologist must be on site in accordance with the requirements of the approved Construction Environmental Management Plan and overarching SSD-3846 concept approval as modified.	To ensure works are undertaken in accordance with the approved CEMP.
38.	**Site Management - Maintenance of Site and Surrounds** During works, the following maintenance requirements must be complied with: a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery, unless approval to damage or remove that area of vegetation is received by Shoalhaven City Council via the development application process.	To protect vegetation during construction
39.	**Biodiversity – Fauna Rescue and Vegetation Removal Protocol** During works, vegetation and habitat removal is to be undertaken in accordance with fauna rescue measures and vegetation removal protocols provided with the plans approved of this consent, the overarching SSD-3846 concept approval as amended, including the approved Construction Environmental Management Plan and Vegetation Management Plan, and the following: a) Trees and vegetation must be retained in accordance with the approved Arboricultural Impact Assessment Report. b) Any vegetation to be removed must be inspected by the Project Ecologist for wildlife prior to removal. c) Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation. d) Measures to prevent tracking of soils/sediments from the work site to roadways, footpaths and drainage lines as a result of work	To minimise impacts to biodiversity values.

	vehicle or machinery movement must be advised by the Project Ecologist and implemented by all construction personnel. e) All trenches must be inspected for wildlife prior to backfilling. f) Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 2007 Pruning of amenity trees. g) If any native wildlife is identified as breeding on site, clearing works must stop immediately and must not recommence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that clearing works may recommence. h) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and any injured wildlife must be referred to a local Veterinary Clinic or into the care of Wildlife Rescue South Coast (0418 427 214). i) The removal or disturbance of native vegetation on the property including but not limited to canopy trees, understorey and groundcover vegetation beyond that approved within this consent is not permitted without approval to damage or remove that area of vegetation received by Shoalhaven City Council via the development application process. Within 10 days of completing clearing work, the engaged ecologist must provide to Council written evidence of any fauna detected during clearing.	
40.	**Biodiversity - Timing of Works** During works, to protect adjoining bushland, works involving soil disturbance must not take place during heavy rainfall periods (typically >15 mm in 24 hours), other than work necessary to stabilise the site.	To protect retained biodiversity values.
41.	**Tree Protection – During Works** During works, tree protection for trees to be retained as shown in the Arboricultural Impact Assessment prepared by Allied Tree Consultancy (D5760.1; dated 04/2026) should be conducted in accordance with the following: a) Section 8.0 Protection Specification b) The Project Arborist should carry out regular site inspections to ensure works are being completed in accordance with the recommendations from the approved Arboricultural Impact Assessment. c) The Project Arborist to supervise all manual excavations and underboring inside the Notional Root Zone of any tree to be retained	To ensure compliance with approved reports.

	d) Project Arborist to certify that all underground services including storm water inside Notional Root Zone of any tree to be retained have been installed in accordance with AS 4970-2025.	
42.	**Tree Protection – Certification and Reporting** After all tree removal and construction works are complete the Project Arborist must: a) Assess the condition of retained trees and provide recommendations for remediation works if required. b) Provide a final project report that demonstrates tree protection measures required by the consent have been implemented and any recommended remediation measures following final inspection. Evidence of completion must be submitted to the Director – City Development (or delegate) of Shoalhaven City Council for review and approval.	To ensure compliance with approved reports.
43.	**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. b) the following must be notified for a relic – the Heritage Council; or c) 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: d) 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.
44.	**Potentially Contaminated Land - Unexpected Finds** If unexpected, contaminated soil and/or groundwater is encountered during any works: a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.	To ensure any detected contaminants are appropriately managed.

	If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works. If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014). *Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).*	
45.	**Site Management - Hours for Construction** Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.	To ensure site work occurs within appropriate construction hours.
46.	**Site Management - Maintenance of Site and Surrounds** During works, the following maintenance requirements must be complied with: a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: i) all vehicles entering or leaving the site must have their loads covered, and ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.	To ensure the site is maintained in a safe and secure manner.

	f) At the completion of the works, the work site must be left clear of waste and debris.	
47.	**Site Management - Noise** The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LAeq noise level measured over a period of not less than 15 minutes During works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.	To protect the amenity of neighbouring properties.
48.	**Earthworks - Cut, Fill and Grading** The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans.	To ensure earthworks are appropriately retained.
49.	**Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater** All excavation, backfilling and landscaping works must not result in: a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties.	To ensure stormwater is appropriately managed.
50.	**Driveway – Design Standards (Urban)** Prior to the commencement of works in the road reserve, engineering design plans must be prepared by a suitably qualified person and approved by Council. The layback/footpath crossing design must comply with the following: a) Council's Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width and minimum 100mm depth. c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.	To ensure road and pavement infrastructure is appropriately designed.

51.	**Stormwater - Connections in Road Reserve** Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council. *Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.*	To ensure stormwater connections are appropriately installed.
BUILDING WORK **Before Issue of an Occupation Certificate**		
CONDITIONS		REASON
52.	**Landscaping – Replacement of Street Trees** Before the issue of an Occupation Certificate, all street trees within the road reserve that have been damaged or removed must be replaced, unless otherwise agreed in writing by Council, at the developer's expense. The replacement street trees must be replanted in accordance with the requirements set out in this consent.	To ensure street trees are replaced.
53.	**Completion of Public Utility Services** Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
54.	**Dilapidation Report – Evidence of Completion** Prior to the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Certifier and Council, detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and	To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.

	b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier, or a principal certifier is not required) and to the relevant adjoining property owner(s).	
55.	**Section 68 Approvals – Evidence of Completion** All the conditions under the approval of section 68 of the *Local Government Act 1993* are to be complied with before the issue of an Occupation Certificate.	To ensure compliance with section 68 approval.
56.	**Shoalhaven Water – Certificate of Compliance** Before the issue of any Occupation 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.
57.	**Stormwater - Works as Executed** Before the issue of an Occupation Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code. The Works as Executed be shown in red on a copy of the approved plans. This plan must verify fulfillment of relevant construction notes, as well as the construction locations, invert levels and sizes of all pipelines. Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).	To ensure works as executed plans are prepared and provided.
58.	**Works in the Road Reserve - Works as Executed** Before the issue of an Occupation Certificate, Works as Executed Plans for works within the road reserve must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and approved by Council demonstrating compliance with the approved design plans.	To ensure works as executed plans are prepared and provided.

	The Works as Executed dimensions and levels must be shown in red on a copy of the approved plans and comply with the following requirements: a) Council's Development Engineering Construction Specification. b) Show compliance with the approved design plans of all road and drainage works. c) Show any retaining walls including footings and agricultural drainage lines. d) Show the location of all underground service conduits. e) Include all deviations from the approved Civil Engineering Plans.	
59.	**Works in the Road Reserve - Evidence of Completion** Before the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter / Inspection Record provided by Council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.	To ensure works in the road reserve are completed appropriately.
60.	**Maintenance Bond for Civil Works** Before the issue of the Occupation Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) to Council to provide security and assurance that the developer will repair any defective works or re-establish ground cover where this has not been maintained, for a period of 12 months.	To ensure any damage or defective work is suitably repaired.
BUILDING WORK **Occupation and Ongoing use**		
CONDITIONS		REASON
61.	**Occupation – Satisfaction of Conditions of Consent** The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).	To ensure conditions of consent are complied with or other satisfactory arrangement made.
62.	**Exotic Grasses within Bushland Areas** To maintain the existing condition of remaining native vegetation: a) no exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process	To protect native vegetation

	Invasion of native plant communities by exotic perennial grasses, must be sown. b) Only locally occurring native plant species occurring in PCT 3273 South Coast Lowland Shrub-Grass Forest are to be planted (if required to stabilise the soil).	
63.	**Landscaping** Landscaping must be completed and maintained in accordance with the plans approved with this or other relevant consents, the overarching SSD-3846 concept approval as modified, the approved Construction Environmental Management Plan and Vegetation Management Plan.	To ensure appropriate landscaping is provided

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.