

Council Reference: D25/522712  
Contact Person: Justin Lamerton

5 November 2025

Industry Assessments  
Department of Planning, Housing, and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

Attention: Adela Murimba ([adela.murimba@dpie.nsw.gov.au](mailto:adela.murimba@dpie.nsw.gov.au))

SSD- 69683218  
Shoalhaven City Council Response to Request for Comments

I refer to the Department of Planning, Housing, and Infrastructure's request for comment in relation to the proposed mixed use development with in-fill affordable housing over property Lots 8 to 10 DP 1291324 at 1, 7 & 15 Saltmarsh Rise, St Georges Basin.

Shoalhaven City Council (SCC) is grateful for the opportunity to provide input into the proposal and provides the attached comments which can be viewed at Attachment 1 to this Letter.

Council provides this response within its regulatory capacity and is in response to the lodged documents.

If you need further information about this matter, please contact me on 4429 3319.

Yours faithfully

Justin Lamerton  
**City Development**  
**Shoalhaven City Council**

## Development Planning Comments / Requirements:

### Comments

#### **Precinct A Layout**

The following comments are provided for consideration:

- Dwelling on Proposed Lots A1-1 and A1-2
  - Bin storage is shown within the garage area within the curtilage of the dwelling. Bin location should be reconsidered with bins being stored in an external space.
  - There is no access on either the ground floor or first floor level between the home office space / associated first floor area and the remainder of the dwelling. This is not considered acceptable and requires by persons to egress outside the dwelling to get into the remainder of the dwelling. There should be contiguous access between each component with an internal access which prevents the need to egress outside the dwelling to get to each respective component.
  - The separation of each component of the dwelling and provision of a wet bar, bathroom, and space for installation of a laundry could mean the space for 'elderly parents / older children' (as described in the EIS) could be occupied as a separate domicile. Council are not supportive of these components be separate dwellings as there would be no enclosed parking for the second part.
- Dwelling on Proposed Lot A1-3, A3.-1, and A3-3
  - The teenager retreat has a wet bar, bathroom, and space within the garage/store for installation of a laundry. This would provide all the facilities for a separate domicile under the National Construction Code. The detached habitable rooms should not be separately contained and should be design so it and the primary living areas function as one dwelling.
  - The main living area and detached habitable rooms do not have a hardstand access pathway or undercover which provides access between the two living areas. It is recommended that such facilities be provided as to ensure that the two separate areas can function as a single dwelling.
- Dwellings A2-1, A2-2, A2-3, and A3-2
  - Council understands the comment in the EIS that DCP provisions do not apply in accordance with Section 2.10 of the SEPP (Planning Systems) 2021. However the standards in Council's DCP, Chapter G21 should be used a guideline for acceptability as it relates to the design of car parking for the development.
  - Each of these dwellings have 3 bedrooms with one covered parking space and one external area described on the plans as 'off-street parking). However a fence with doorway access swing outwards towards the street is shown. It is unclear how the 'off street parking area for these dwellings can be used when there is a fence which prevents vehicular access.
- General
  - Council understands the comment in the EIS that DCP provisions do not apply in accordance with Section 2.10 of the SEPP (Planning Systems) 2021. However the standards in Council's DCP, Chapter G13 should be used a guideline for acceptability as it relates to the design of the development.
  - In this regard, it is considered insufficient principle, covered private open space exists for all dwellings in this precinct. Were the DCP to apply, this would not be consistent with such requirements (4m x 5m alfresco space would be required with 50% covered). It is recommended that further consideration be given to a covered alfresco area for each of the dwellings.

## Precinct B Layout

The following comments are provided for consideration:

- Dwelling on Proposed Lots B1-1 and B1-2
  - Bin storage is shown within the garage area within the curtilage of the dwelling. Bin location should be reconsidered with bins being stored in an external space.
  - There is no access on either the ground floor or first floor level between the home office space / associated first floor area and the remainder of the dwelling. This is not considered acceptable and requires by persons to egress outside the dwelling to get into the remainder of the dwelling. There should be contiguous access between each component with an internal access which prevents the need to egress outside the dwelling to get to each respective component.
- Dwelling on Proposed Lot B1-3, B3.-1, and B3-3
  - The teenager retreat has an area which appears to be a wet bar (although not marked), bathroom, and space within the garage/store for installation of a laundry. This would provide all the facilities for a separate domicile under the National Construction Code. The detached habitable rooms should not be separately contained and should be design so it and the primary living areas function as one dwelling.
  - The main living area and garage / detached habitable rooms do not have a hardstand access pathway or undercover which provides access between the two living areas. It is recommended that such facilities be provided as to ensure that the two separate areas can function as a single dwelling.
- Dwellings B2-1 to B2-3, B3-1 and B3-3
  - Garage and main dwelling areas are separate buildings with no hardstand access pathway or undercover which provides access between the two spaces. It is recommended that such facilities be provided as to ensure that suitable access between garages and main living spaces is provided.
  - Council understands the comment in the EIS that DCP provisions do not apply in accordance with Section 2.10 of the SEPP (Planning Systems) 2021. However the standards in Council's DCP, Chapter G21 should be used a guideline for acceptability as it relates to the design of car parking for the development.
  - Each of these dwellings have 3 bedrooms with one covered parking space and one external area described on the plans as 'off-street parking). However a fence with doorway access swinging outwards towards the street is shown. It is unclear how the 'off street parking area' for these dwellings can be used when there is a fence and gate which prevents vehicular access.
- General
  - Council understands the comment in the EIS that DCP provisions do not apply in accordance with Section 2.10 of the SEPP (Planning Systems) 2021. However the standards in Council's DCP, Chapter G13 should be used a guideline for acceptability as it relates to the design of the development.
  - In this regard, it is considered insufficient principle, covered private open space exists for all dwellings in this precinct. Were the DCP to apply, this would not be consistent with such requirements (4m x 5m alfresco space would be required with 50% covered). It is recommended that further consideration be given to a covered alfresco area for each of the dwellings.

## Precinct C & D Layout

The following comments are provided for consideration:

- General
  - Council understands the comment in the EIS that DCP provisions do not apply in accordance with Section 2.10 of the SEPP (Planning Systems) 2021. However the standards in Council's DCP, Chapter G13 should be used as a guideline for acceptability as it relates to the design of the development.
  - In this regard, it is considered insufficient principle, covered private open space exists for all dwellings in this precinct. Were the DCP to apply, this would not be consistent with such requirements (4m x 5m alfresco space would be required with 50% covered). It is recommended that further consideration be given to a covered alfresco area for each of the dwellings.

## Precinct F Layout

The following comments are provided for consideration:

- Commercial / Retail Tenancy
  - The commercial retail tenancy is a large space at 200m<sup>2</sup>. It is foreseeable that such a space could house development such as a supermarket or large retailer with high needs for services / delivery.
  - Clarity should be provided on amended design plans as to how the tenancy would be serviced for the purpose of deliveries.
- Boarding House – Co-Working Commercial Space
  - Council questions the 'co-working commercial space'. This appears to be a commercial area and is not considered to be consistent with the characterisation of a 'boarding house'.
  - Further, the co-working commercial space is depicted on the submitted plans to be physically connected to the boarding house without any form of fire separation, and therefore is clearly designed to be part of the boarding house.
  - Council recommends that, either the co-working commercial space be removed from the plans entirely or otherwise be provided with fire separation per the NCC so it can form a separate space.
- General
  - Consideration to lighting within Mews Lane to provide for safety to persons accessing the commercial space and need for CCTV as a condition of any consent.

## Building Surveyor Comments / Requirements:

### Comments

I have undertaken a preliminary review of the proposed development. The following documents have been considered in multiple Precincts:

- Landscaping plans (Appendix Y)
- Access Report (Appendix LL)

**General** - The Access Report has been prepared using AS1428.1-2009 and any CC will now be assessed under AS1428.1-2021. The Access Report should be updated to ensure that changes in the AS have not impacted upon the potential for the development to comply with the AS at CC stage.

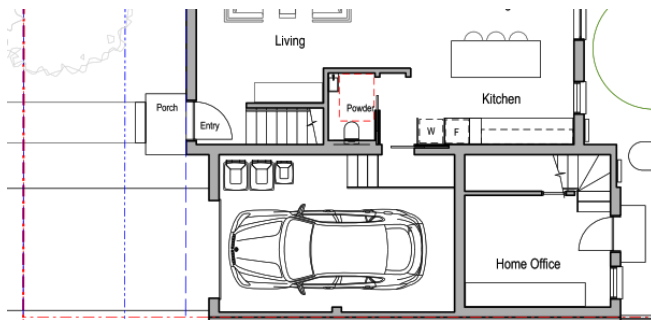
The Access Report also states that the Livable Housing Design Guidelines have been used as the basis of the report (p. 3) but includes details of SEPP 65 (Livable Housing) (p 59 onwards) which does not appear current or in existence.

**Precinct A** - I have considered the plans contained within Appendix K5. Nine dwellings are proposed in the precinct, consisting of:

- Two storey dwellings with attached garage (Class 1a and 10a under the Building Code of Australia (BCA)). A rear entry is provided to a 'retreat' via a home office with no internal connection to the remainder of the dwelling.
- Two storey dwellings (Class 1a) with a detached double garage and retreat above (Class 1a and 10a).
- Two storey dwellings (Class 1a) with a detached single garage (Class 10a).

Each retreat has a bedroom, lounge area, bathroom and a wet bar that has the potential to be converted to a kitchenette. There also appears to be potential clothes washing machine shown in some of the storage cupboards. There is the potential to convert the retreats into secondary dwellings as they have separate entry from the 'principal' dwelling. Additional wall and floor fire separation and sound insulation would be required to comply with the BCA if the retreats are converted to secondary dwellings after Occupation Certificate. It is proposed to address this matter via a condition of consent that they cannot be used as separate occupancies without obtaining approval beforehand.

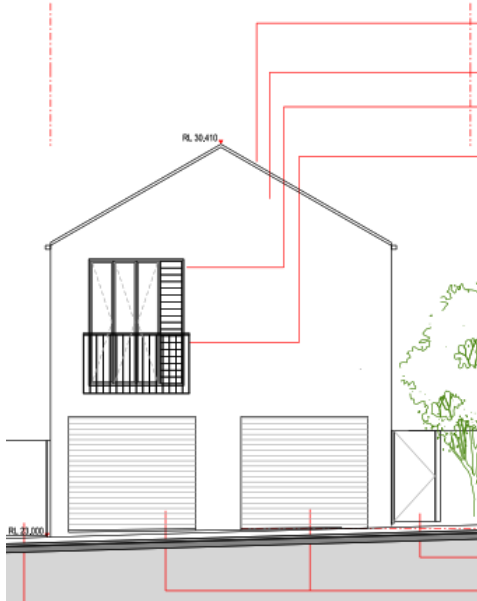
The dwellings are shown with a potential washing machine location (marked W). Part 10.4.1 of the ABCB Housing Provisions (HP) requires clothes washing facilities to consist of a washtub and a space for a washing machine. The proposed washing machine locations do not appear to have the potential to comply with the space for a washtub and amendments to the floor plan may be required.



#### Ground floor plan of Dwelling A1-1

This could be detailed at CC stage, and if required by the certifier, a modification to the DA submitted if considered inconsistent with any approval.

The guttering of the dwellings and garage on many of the proposed allotments encroach over a strata boundary.



Dwg A1-06 – Guttering shown to encroach over proposed strata boundary

All buildings should be wholly contained within their subject allotment (strata or Torrens titled) to comply with the BCA. *Standards Australia HB50 Glossary of building terms* defines a boundary as the “limit or extent of a site under a single occupancy, whether fenced or unfenced”. A strata boundary is not considered any differently to that of a Torrens title boundary.

The roofline of the buildings may need to be reconsidered/ re-design to ensure that the buildings are contained wholly within their allotments. The applicant may wish to increase the setback of the detached garages from the boundary to contain the buildings wholly within their allotment.

A BASIX certificate for the development in this Precinct is required and is provided in Appendix DD1. The Access Report (refer Appendix LL – page 59) indicates that 17 dwellings will be livable across Precincts A, B and C. It does not include A1-1 although the plans propose it to be livable. The Access Report has not considered the plans for Lot A3 (refer p 3 of report) but livable housing is proposed.

The fall of the land in the front setback of A1 and A2 appears fractionally steeper than 1:14 grade and therefore a safe, continuous step-free entry is not required to comply with Silver Level requirements of Livable Housing Design Guidelines (LHDG). Detailed plans will need to accompany the CC application to determine compliance with LHDG.

**Precinct B** – The plans in Appendix K6 have been reviewed and appear to be essentially a mirror reverse of Precinct A. Nine dwellings are proposed in the precinct, consisting of:

- Two storey dwellings with attached garage (Class 1a and 10a under the Building Code of Australia (BCA)). A separate entry is provided to a ‘retreat’ via a home office with no internal connection to the remainder of the dwelling.
- Two storey dwellings (Class 1a) with a detached double garage and retreat above (Class 1a and 10a).
- Two storey dwellings (Class 1a) with a detached single garage (Class 10a).

The concerns regarding the use and construction of the retreats discussed in Precinct A are also relevant in Precinct B.

The guttering of dwellings and garages in this Precinct also encroach onto adjoining strata allotments as identified in Precinct A.

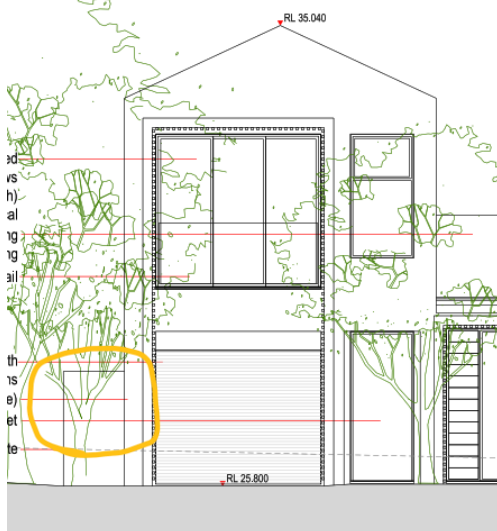
A BASIX certificate for the development in this Precinct is required and is provided in Appendix DD2. All dwellings in this Precinct are proposed to be livable housing in the Access Report. The elevations of all nine dwellings in this Precinct show steps at the entry door as it appears that the gradient of the ground could be steeper than 1:14. I query the appropriateness of the location of these dwellings in the larger project if 100% of the buildings cannot have a step-free entry at the front door. Classifying 9 dwellings as livable when access into the dwellings cannot be demonstrated would not appear to meet the intent of the legislation.

**Precinct C** – The plans in Appendix K7 have been reviewed. The precinct proposes 8 dwellings (Class 1a and 10a). Five (5) of the dwellings propose a potential self-contained sole occupancy unit/secondary dwelling that shares a common hallway with the principal dwelling.

The concerns regarding the use and construction of these areas are the same as those discussed for the retreats in Precincts A and B.

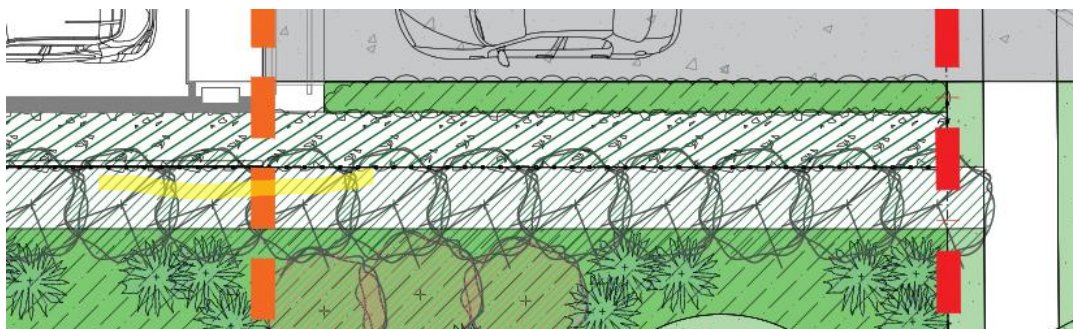
The guttering of some of the buildings encroach over the proposed strata boundaries.

The front/ eastern elevations of the dwelling in Precinct C2 appear to show proposed cut/ excavation to create relatively level front setbacks. Please refer to the snip from Drawing C2-08 below. The plans do not show the point/ start of excavation and appear to show the excavation commencing in the proposed park between Precincts C and D.



From Dwg C2-08 – highlighted - excavation shown across common boundary with Park

The landscaping plans (Appendix Y) do not show any excavation to create the Park. A retaining wall is shown for the fill along the southern boundary of Precinct C, but no retaining is shown in the front setback of the dwellings in the Precinct.



LA102 – Retaining wall not shown for any cut in front setback. Retaining wall for fill highlighted.

The plans for Precinct D do not appear to show any cut extending across the Park. The existing and finished ground levels, and the extent of any earthworks, for Precincts C and D and the Park, should be determined and represented on plan for consideration.

Fill is proposed to the western/ rear elevations of the development in this precinct, with retaining walls creating car parking spaces that are accessible from the lane. The plans show retaining walls with a depth of 980 mm. This could increase as the design for the proposal continues and more information arises regarding the required finished ground levels. Retaining walls over 1 metre in height should be designed by a structural engineer to ensure their structural adequacy and can be addressed via conditions in any consent.

A BASIX certificate for the development in this Precinct is required and is provided in Appendix DD3. All dwellings are proposed to be livable in the Access Report and on plan. Detailed plans will need to be provided with the CC application for assessment.

**Precinct D** – The plans in Appendix K8 have been reviewed. The precinct proposes 6 split level dwellings (Class 1a and 10a). Four (4) of the dwellings propose a potential self-contained sole occupancy unit/ secondary dwelling that shares a common hallway with the principal dwelling. The concerns regarding the use and construction of these areas are the same as those discussed for the retreats in Precincts A to C.

The guttering of some of the buildings encroach over the proposed strata boundaries

A BASIX certificate for the development in this Precinct is required and is provided in Appendix DD4.

Retaining walls are proposed on the boundary (e.g., along the northern boundary adjoining the Park). They will need to be contained wholly within the property and can be addressed via conditions in a consent.

**Precinct E** – The plans at Appendix K9 have been reviewed with the BCA Report in Appendix KK1. There are two buildings proposed in this Precinct:

- Western building – This can be generally described as a residential flat building containing an undercroft/ basement parking (Class 7a) and three storeys of sole occupancy units (Class 2). It has a rise in storeys of 4 and will need to comply Type A construction in the BCA.
- Eastern building - The proposed garage/ studio building contains 13 garage spaces (Class 7a) with 4 sole occupancy units above (Class 2). It has a rise in storey of 2 and will need to comply with Type B construction.

As the buildings are new construction, compliance with the BCA can be achieved and a detailed assessment will be undertaken with the CC application. The buildings will require the installation of fire safety measures and a Fire Safety Schedule will need to be issued in conjunction with the CC.

The BCA report states that laundry facilities in each sole occupancy unit will be a washing machine but does not indicate that a laundry washtub will be provided. F4D2 of the BCA requires a washtub to be provided in the sole occupancy unit, but that detail can be provided with the CC.

The Class 2 portion of the buildings requires a BASIX Certificate and has been provided in Appendix DD5.

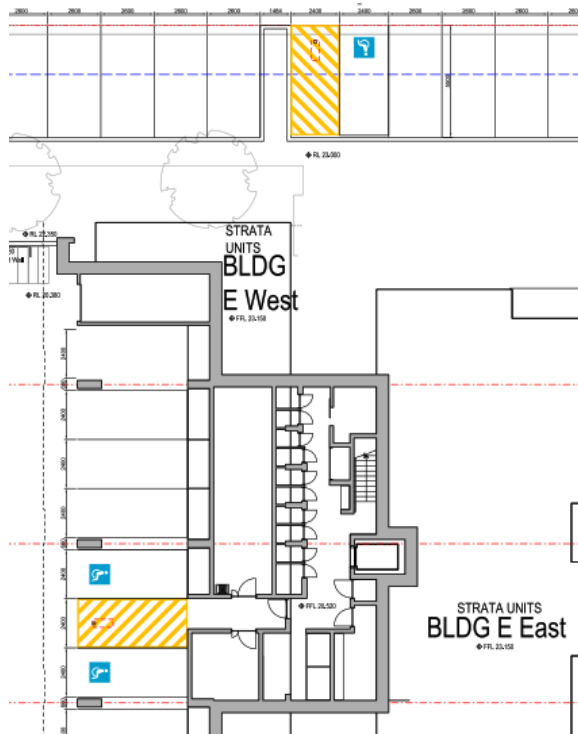
Access for people with a disability will be required in the proposed buildings to comply with the BCA and Disability (Access to Premises – Buildings) Standards 2010. There is insufficient detail on the

plan to determine whether the proposal will comply. Detailed information and plans will be required to accompany the CC application for assessment.

Two sole occupancy units on each Level of the western building are proposed to comply with Class C in *Australian Standard (AS) 4299 Adaptable housing* (six in total). The typical post-adaptation plan (Dwg EMP017) proposes minimal changes to become adaptable which will comply with the performance requirements of the AS. There are changes proposed to the robe/ store to provide circulation space in the bedroom, and this will need to be considered during the design to ensure that any walls impacted are not load-bearing. Detailed plans will need to accompany the CC application for assessment.

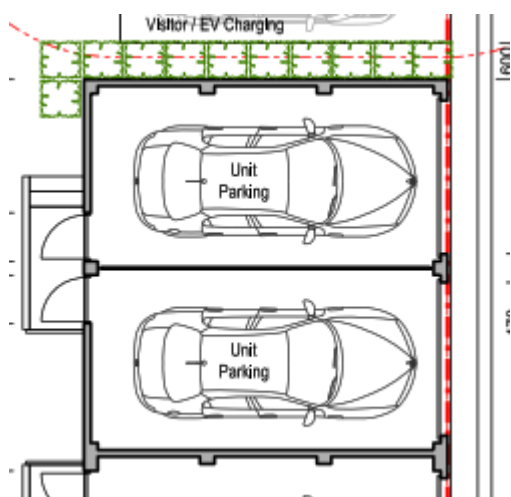
Clause 3.7 of AS4299 requires one parking space per adaptable unit to have the minimum dimensions of 6.0 m x 3.8 m.

The Access Report, in the adaptability section (p.50) indicates that parking spaces are being provided in accordance with AS2890.6. There are only three (3) accessible spaces complying with AS2890.6 shown on plan, on or near this Precinct.



From Dwg EMP009 showing Precinct E AS2890.6 accessible parking spaces

The only other potential parking spaces that could be used are some of the garages in the eastern building in the Precinct where it appears lightweight construction separates two spaces. Potentially the internal frame wall could be removed to create one large space. However, each one of these garages requires an occupant to use the door in the western elevation to access their dwelling and all show step/s which does not appear to make this option practical or compliant with the objectives of AS4299.



Dwg EMP011 showing lightweight construction between parking spaces.

Parking for the adaptable sole occupancy units should be clarified and demonstrate that compliance can be achieved.

Levels 1 to 3 of the western building propose to each have 7 sole occupancy units complying with Silver Level requirements of LHDG (21 in total). Detailed plans will need to accompany the CC for assessment.

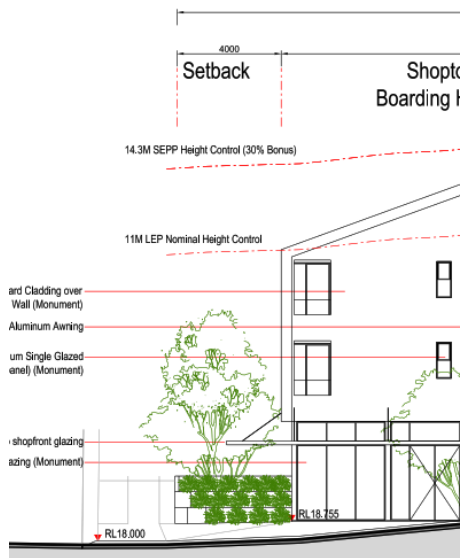
**Precinct F** - The plans in Appendix K9 have been reviewed with the BCA Report in Appendix KK2. The proposal is one building under the BCA but will be briefly described as northern and southern portions:

- Northern portion contains a boarding house (Class 3), with the undercroft/ ground floor level containing the boarding house managers unit and communal spaces, and two storeys of boarding rooms. Levels 1 and 2 each contain 8 boarding house rooms (16 in total), and each room appears to be self-contained as a kitchen and washing machine space is proposed.
- Southern portion contains commercial space (Class 5 or 6 depending on use) and car parking (Class 7a) with two storeys of sole occupancy units above (Class 2). Levels 1 and 2 both contain 5 sole occupancy units of which 3 are proposed to comply with Silver Level in LHDG and 1 is proposed to be adaptable under AS4299.

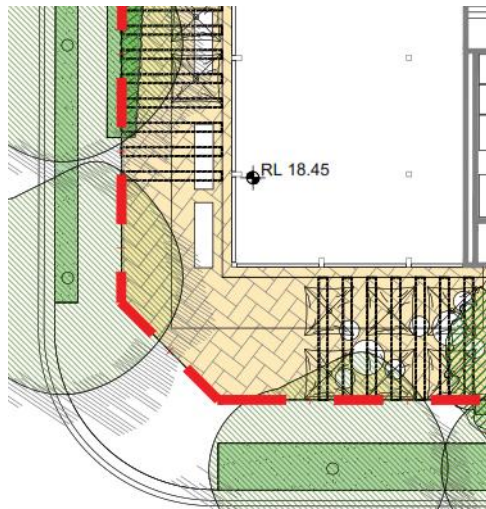
A CC will be required, and a Fire Safety Schedule will need to be issued in conjunction with the CC. The Class 2 portion requires a BASIX certificate, and one is provided in Appendix DD6.

Access for people with disability is required to comply with the BCA and Disability (Access to Premises – Buildings) Standards 2010. The comments regarding accessibility/ adaptability have been separated into classes/ uses for discussion:

- Commercial - There is insufficient and contradictory information provided which prevents a determination on whether access for people with a disability can be provided. The landscaping plan shows a FL of 18.45 mm, and the southern architectural elevation shows the floor level to be 755 mm above the footpath level (on fill) (RL18.755) with the building setback 4 metres. The floor plan of the commercial space clearly shows this corner as being step free and therefore the principal pedestrian entry is likely in this area. The gradients of these potential accessways to the commercial premises are approximately 1:9 and 1:5 respectively which are too steep for ramps or accessways.



Dwg EMP020



Dwg LA101

Clarification of levels should be requested, and it should be demonstrated that accessibility is capable of being achieved.

Only one on-site parking space (garage) is provided for staff of the commercial premises and no onsite parking for the commercial use is proposed on the property. It appears that some of the parking accessible from the northern lane are nominated for sharing between the commercial use and visitors to the residential flat buildings/ boarding houses.

It is proposed to provide an accessible parking space off the northern lane in Precinct E (marked 'shared visitor or retail'). D4D3 of the BCA requires an accessible parking space where there are parking spaces on the allotment serving the building. An accessible space must be on the allotment with the commercial building, and an accessway complying with AS1428.1-2021 between it and the principal pedestrian entry. The proposed space in the laneway is not on the same allotment, and it appears that there is no potential accessway between it and the commercial property. In my opinion, this will not comply with the BCA.

- Class 3/ boarding house - Table D4D2b of the BCA requires two accessible sole occupancy units in the Class 3 building. Rooms B2.08 and B3.08 are proposed as accessible. They must be constructed in accordance with AS1428.1-2021 under the CC. There is insufficient detail to determine compliance and that will need to form part of the CC assessment.

One accessible parking space is required on the allotment, and it is provided. There is insufficient detail to determine if a compliant accessway between the parking space and the building is achievable.

- Class 2/ Residential sole occupancy units – Sole occupancy units/ dwelling F2.02 and F3.02 are proposed to be adaptable and comply with Class C in AS4299. The post-adaptation plan (Dwg EMP018) requires demolition of the laundry (nominated with W on plan) and its installation or relocation into the kitchen. A Performance Requirement in AS4299 is that demolition of walls "shall be non-loadbearing and free of electrical and plumbing service". Whilst the walls can be designed to be non-loadbearing, the walls will contain these services and therefore it would not comply with the objectives of the AS. In addition, the installation or alteration of plumbing and drainage for a new laundry location is potentially difficult given the multi-storey construction and slab construction. The new work would not be considered to fit within the 'ease of adaptation' performance requirement in AS.

Six of the sole occupancy units are proposed to comply with Silver Level requirements in LHDG.

I have recommended information to be requested from the applicant. I have also included draft conditions for the consent authority to consider including in any development consent.

### Additional Information Required

It is recommended that the consent authority request the applicant to address the following matters, arranged by subject:

#### *Access for people with a disability*

1. Provide an updated accessibility report prepared by a suitably qualified person that uses AS1428.1-2021 (the current version of the AS) as a basis for the report. The report must also clearly reference current legislation/ design documents for the livable dwellings
2. Submit amended plans and/or documentation addressing the following matters to demonstrate that access for people with a disability that complies with the Building Code of Australia and AS1428.1 can be provided in the proposed development:
  - a) Access into the south-western portion of the commercial occupancy in Precinct F (likely principal pedestrian entry).
  - b) The provision of an accessible parking space in Precinct F to serve the commercial occupancy and an accessway from the accessible space to the likely area of the principal pedestrian entry.

#### *Adaptability/ Liveability*

1. None of the proposed nine (9) livable dwellings in Precinct B are provided with a step free entry or pathway and therefore using this Precinct for the provision of livable housing is considered inappropriate. You are requested to amend the development to ensure that most dwellings in a precinct can be provided with a step free entry and pathway to comply with the Livable Housing Design Guidelines.
2. Provide amended plans and/or documentation to demonstrate that one parking space having the minimum dimensions of 6 metres x 3.8 metres is provided per adaptable unit in Precinct E to comply with AS4299.
3. Provide amended plans of the proposed adaptable sole occupancy units/ dwellings (F2.02 and F3.02) in Precinct F to demonstrate that adaptation will not require the demolition of walls containing electrical or plumbing services, and the installation of any new services complies with the ease of adaptation performance requirements in AS4299.

#### *Building Design*

1. Submit amended plans for buildings in Precincts A, B and C demonstrating that they are wholly contained within the proposed strata allotments and to ensure compliance with the BCA. You are advised that *Standards Australia HB50 Glossary of building terms* defines a boundary as the “limit or extent of a site under a single occupancy, whether fenced or unfenced”. A strata boundary is not considered any differently to that of a Torrens title boundary.
2. Submit amended plans and/or documentation showing the proposed extent of excavation/ cut in the front setbacks of the dwellings in Precinct C2 for consideration.

## Conditions

<b>General conditions</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Use of Dwellings – Precincts A -</b>	Each dwelling in Precincts A, B, C and D, including those with a nominated retreat or similar, has been approved as a single occupancy and cannot be used, or adapted for use, as a separate sole occupancy unit prior to obtaining the required approvals.	To ensure that the building complies with the appropriate fire safety of requirements.
<b>Building work</b>		
<b>Before issue of a construction certificate</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Access for People with a Disability</b>	Before the issue of a Construction Certificate, detailed plans, specifications and documentation must be provided to the satisfaction of the Certifier, detailing how the buildings will comply with Access for People with a Disability in the National Construction Code (NCC) in force at the date of issue of the Construction Certificate.	To ensure appropriate disabled access is provided.
<b>Adaptable and Liveable Units</b>	Before the issue of a Construction Certificate, detailed plans and documentation must be provided to the satisfaction of the Certifier, demonstrating that: <ul style="list-style-type: none"> <li>a) Any dwellings or sole occupancy units that have been approved in the development consent as a livable dwelling comply with the Silver Level requirements of the Livable Housing Design Guidelines, and</li> <li>b) Any dwellings or sole occupancy units that have been approved in the development consent as an adaptable dwelling comply with Class C in Australian Standard (AS) 4299 Adaptable Housing Standards.</li> </ul>	To ensure dwellings are capable of being adapted.
<b>Retaining Walls Design Standards</b>	Before the issue of a Construction Certificate for approved retaining walls exceeding 600mm in height and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following:  For retaining walls exceeding 600mm in height a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited	To ensure retaining walls are appropriately designed.

	<p>to) the ability to withstand the forces of lateral soil load; and</p> <p>For retaining walls less than 600mm in height the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.</p> <p>Retaining walls, footings and drainage must be contained wholly within the development site.</p> <p>Construction within a registered easement is prohibited.</p> <p>Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, or be approved by way of Complying Development before construction and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	
<b>Before building work commences</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Construction Certificate</b>	A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.	To ensure a appropriate building and Subdivision Certificates are obtained
<b>Appointment of Principal Certifier</b>	Before building/subdivision work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
<b>Notice of Commencement</b>	Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form <a href="#">‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority’</a> .	To ensure appropriate notice is given to Council.
<b>During building work</b>		

<b>Code Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Surveys by a registered surveyor*</b>	<p>All buildings and/ or structures must be contained wholly within their proposed development site.</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier at their request:</p> <ul style="list-style-type: none"> <li>a) All footings / foundations in relation to the site boundaries and any registered and proposed easements</li> <li>b) At other stages of construction – any marks that are required by the principal certifier.</li> </ul>	To ensure buildings are sited and positioned in the approved location
<b>Before issue of an occupation certificate</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Fire Safety Evidence Compliance – of</b>	Before the issue of an Occupation Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.	To ensure compliance with the Fire Safety Schedule.
<b>BASIX Certificate</b>	Before the issue of an Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the <i>Environmental Planning and Assessment Regulation 2021</i>	To ensure compliance with the approved BASIX Certificate.
<b>Retaining Walls – Certification</b>	<p>Before the issue of an Occupation Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height are constructed in accordance with the approved engineering design plans.</p> <p>The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.</p>	To ensure retaining walls have been constructed appropriately.

	<i>Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.</i>	
<b>Occupation and ongoing use</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Occupation Satisfaction Conditions Consent</b>	- The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.	To ensure conditions of consent are complied with or other satisfactory arrangement made.
<b>Fire Safety – Annual Statement</b>	<p>A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An <a href="#">application form</a> is available on Council's website.</p> <p><i>Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:</i></p> <ul style="list-style-type: none"> <li>a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building</li> <li>b) inspected the exit systems serving the building and found that the exit systems within the building do not contravene the Environmental Planning and Assessment Regulation 2021</li> </ul> <p><i>Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.</i></p>	To ensure an annual fire safety statement is prepared.

## Waste Section Comments / Requirements:

### Comments

The Waste Management Plan provided for construction and demolition waste management is suitable.

Precinct B shows garages and bin storage locations closer to laneway 2. It is expected that kerbside

presentation location would ideally be on the southern side of laneway 2 outside these properties garages, although collection of bin services within laneway 2 will only be on the northern side due to the one way nature of the lane. Based on the current layout there is insufficient kerbside space for units/townhouses on both sides of laneway 2 to present bins along one side of the laneway.

The operational Waste Management Plan indicates the use of kerbside collection for Site E, boarding house and shop top apartments (waste storage area for both properties located within apartment complex. Consideration should be given to providing individual waste storage areas for each building), and Site F residential 31 unit complex. Kerbside servicing of these bins along Saltmarsh Rise will require at least 46 linear metres of unobstructed kerbside space for bin presentation. It is recommended that the kerbside area along Saltmarsh Rise is marked for bin collection only and suitable 'no parking' signage is established in this location.

A private waste collection service utilising a suitable licenced commercial contractor is suitable for collection of waste generated during the operation of the commercial premises. Further information is required outlining the grade from the commercial waste storage area to the kerbside for the outlined wheel out wheel back servicing arrangement. Whilst 1100L bins are on wheels for some manoeuvrability it is not best practice to have bins of this size wheeled to the kerb as it creates a manual handling and pedestrian risk. A private waste collection contractor is likely to use a rear lift type collection vehicle which is longer than the kerbside space provided between the carpark driveway entries of Site E and Site F. Private waste collection is preferred to be carried out onsite with the collection vehicle entering and exiting the site in a forward direction.

Additional Information Required

It is recommended that the consent authority request the applicant to address the following matters, arranged by subject:

- Precinct B – Insufficient kerbside space for units/townhouses on both sides of laneway 2 to present bins along one side of the laneway – must be addressed as part of the design.
- Operational Waste Management Plan – Consideration should be given to providing individual waste storage areas for each building and Site F residential 31 unit complex.
- Operational Waste Management Plan – Kerbside area along Saltmarsh Rise is marked for bin collection only and suitable 'no parking' signage is established in this location.
- Grade – Further information is required outlining the grade from the commercial waste storage area to the kerbside for the outlined wheel out wheel back servicing arrangement.

Conditions

Prior to Construction Certificate Conditions		
Condition Title	Condition Text	Reasons
Waste - Storage Room	Before the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the <a href="#">Waste Minimisation and Management Guidelines</a> , and that:	To ensure waste management infrastructure is

	<p>the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting.</p> <p>the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections.</p> <p>the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned.</p> <p>the room to be provided with artificial light controllable within the room and adequate ventilation.</p> <p>the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.</p>	appropriately designed.
<b>Prior to Works Commencing Conditions</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Waste Management Plan – an approved document of this consent</b>	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.
<b>Prior to Occupation Certificate Conditions</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Waste - Private Collection Service</b>	<p>Before the issue of an Occupation Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council.</p> <p>The agreement must ensure:</p> <p>the removal of all waste from the developed property.</p> <p>the service is functional and meets the operational requirements for the developed property.</p> <p>the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.</p> <p>the developer/owner indemnifies Council against claims for loss or damages, should Council take over provision of the service at some point in the future.</p>	To ensure an appropriate waste management agreement is entered into.

## Environmental Health Comments / Requirements

### Comments

Environmental Services has reviewed the documents submitted as part of the Construction of a Master Planned Community Precinct at 1, 7, and 15 Saltmarsh Rise, ST GEORGES BASIN, specifically the following:

- *State Significant Development Application – Environmental Impact Statement – Crowea Road, St Georges Basin – prepared for Southern Cross Community Housing – 22.07.2025 – prepared by Beam (“the EIS”);*
- *Acoustical Assessment Mixed Use Development With In-Fill Affordable Housing – Lots 68 & 69 DP25550, Crowea Road, Saltmarsh Rise and Cape Crescent, St Georges Basin – Ref:2502012-R – prepared by Harwood Acoustics (“the Noise Report”).*

Noise and Vibration have been addressed in the EIS for during the construction phase. The Noise Report has recommended a plan of management for the boarding house and noise assessment is undertaken for any proposed commercial premises for mechanical plant. The Noise report has also provided recommendations for construction and fit out of residential premises as per the BCA & AAAC Ratings for Apartment Sound Insulation that if implemented will achieve project specific noise goals.

Contamination – addressed previously in subdivision stage – no further reporting required.

Boarding house – proposed boarding house standards have been addressed in the EIS to complying with the Housing SEPP and related legislation.

No other comments in relation to the proposed development.

### Conditions

General Conditions		
Condition Title	Condition Text	Reasons
<b>Compliance with Noise Impact Assessment</b>	All recommendations from the Acoustical Assessment – Mixed use Development With In-Fill Affordable Housing prepared by Harwood Acoustics dated 13 <sup>th</sup> May 2025 must be implemented for the development.	To ensure compliance with the approved Noise Impact Assessment
Prior to issue of Construction Certificate Conditions		
Condition Title	Condition Text	Reasons
<b>Acoustic Report – Mechanical Plant</b>	A final Acoustic Assessment of mechanical plant must be prepared to ensure any plant achieves the noise design goals listed within the approved Acoustics Report.	To ensure acoustic impacts relating to mechanical

	The Report must be presented to the certifier for approval and any recommendations included on the design plans.	plant is appropriately addressed
<b>Prior to Issue of an Occupation Certificate Conditions</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Plan of Management</b>	A Plan of Management must be submitted to the Manager – Development Services at Shoalhaven City Council (or delegate) for approval, detailing the management of the Boarding House development.	To ensure the serviced apartments are appropriately managed.

## Shoalhaven Water Comments / Requirements

### Comments

As part of subdivision SF9847—reconfiguring 3 existing lots into 11 lots including a designated reserve—water and sewer infrastructure was constructed to service all lots within the development, including the 3 lots that form part of the State Significant Development (SSD).

A sewer main is located along the western boundary of the site, running within Lots 8 and 9 of Saltmarsh Rise, St Georges Basin, adjacent to Crowea Road. Sewer junctions were installed during the subdivision works to facilitate future connections.

If the proposed planning proposal proceeds, the majority of these existing sewer junctions will need to be permanently capped, as they will no longer align with the revised lot layout.

Each proposed super lot will require dedicated water and sewer connections.

Accordingly, new infrastructure will need to be designed and constructed to provide independent servicing for water and sewer for each lot.

Section 64 developer contributions will apply, and a Water Development Notice application must be submitted to initiate servicing approvals.

### Conditions

<b>General Conditions</b>		
<b>Condition Title</b>	<b>Condition Text</b>	<b>Reasons</b>
<b>Shoalhaven Water – Compliance with Conditions</b>	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	To ensure compliance with Shoalhaven

	evidence provided to the Certifier for each applicable stage.	Water requirements.
--	---	---------------------

### Prior to the Commencement of Works Conditions

Condition Title	Condition Text	Reasons
<b>Shoalhaven Water – Application Certificate Compliance for of</b>	<p>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.</p> <p>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 <a href="https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice">https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice</a> to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>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.</p> <p><i>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.</i></p>	To ensure a Water Development Notice and Certificate of Compliance are obtained.

### Prior to Issue of an Occupation Certificate Conditions

Condition Title	Condition Text	Reasons
<b>Shoalhaven Water – Certificate Compliance of</b>	<p>Before the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the <i>Water Management Act 2000</i> 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.</p> <p>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.</p>	To ensure compliance with Shoalhaven Water requirements.

## Strategic Planning Comments / Requirements

Internal referral completed by Strategic Planning and nil comments provided.

## Development Engineering Comments / Requirements

### Comments

#### **Earthworks:**

- The proposal requires major earthworks for the establishment of new roads and development on each lot – the applicant has provided a preliminary earthworks plan; further detail will be required to determine extent of cut and fill – to be conditioned.
- Sediment and erosion conditions have been proposed during construction – to be conditioned.

#### **Stormwater Plans:**

- The development proposes to integrate new stormwater infrastructure along the proposed access roads (layback kerb and gutter with inlet pits) to existing stormwater lines on Saltmarsh Road and Crowea Road. The applicant has provided an Integrated Water Cycle Management Strategy in support of their proposal (D25/405040), prepared by KF Williams on the 19<sup>th</sup> December 2018 as part of the original DA submission. This report provides output data from the DRAINS modelling used for the stormwater design. This demonstrates that the post development flows do not exceed pre-development values, which is generally acceptable. However, it is noted that the road layout demonstrated in the concept plan (which the modelling was based on) has changed in the most recent civil design plan set (dated 13<sup>th</sup> January 2025). As per section 3 of the report, the applicant claims the current proposal remains consistent with the previous report and therefore, no further modelling was undertaken. Council's Engineers do not agree with this position and therefore request an amended DRAINS model be provided for the development due to the proposed changes to both the catchments (more impervious) and the re-routing of stormwater.
- The IWCMS document also provides detail on the required stormwater quality measures per DCP G2. It is noted that:
  - The report assumes that the existing GPT at the end of Collett Place has sufficient capacity to accommodate the proposed water quality requirements from the development's discharge via Anson Street, and therefore, has excluded any further devices on this matter.
  - Similar to the stormwater modelling above, the preliminary layout of the development (which the water quality assessment was based on) has been superseded by the current proposed layout. As per section 4 of the report, the applicant claims that no further modelling is required as the proposal is consistent to the original approval.
- Based on the submitted concept plans, the applicant proposes to provide dish crossings at new intersections with existing roads. Additionally., it is proposed to integrate new stormwater infrastructure within the site to existing pits by converting them to grated junction pits along the lip of the dished crossings. This will not be acceptable, and it will be required to redesign / realign the stormwater connection to be a kerb inlet pit within the new kerb returns, as per DCP G2 and Council's Engineering Design Standards. This will need to be demonstrated on engineering design plans for

further assessment. Please also see below comments under “Traffic Impacts”. The reasoning behind this is that the stormwater network will be significantly harder to maintain and would require closure of the laneways whilst work occurred to these pits. Layback grates also have significantly lower inlet capacity compared to lintel pit lids and this has not been demonstrated to be sufficient.

### **Traffic Impacts:**

- The proposal aims to formalise two internal access roads and a private right of way, leading to and from the existing roads encircling the development site. The applicant has submitted a Traffic Impact Assessment (prepared by SCT Consulting on the 16<sup>th</sup> July 2025) to support their proposal. It is noted that each of these new accessways have been proposed as restricting travel in one direction only. The widths of these roads also deviate from the required widths per DCP G11 for laneways. This has been justified in the applicant’s TIA, that *“narrower Street provides better walkability and reduce vehicle speed, which results in a safer environment”*. No further traffic modelling has been undertaken to justify the anticipated traffic generation from the dwellings and how vehicle access will be maintained along the direction restricted roads. The provided civil concept plans have also not detailed any signage and linemarking plans to demonstrate how the direction restrictions would be formalised, in accordance with AS1742.
- Our team has discussed this proposal with Council’s City Services Department, including Council’s Principal Traffic Engineer. The proposed road design and one-direction controls are not supported, as they do not comply with Council’s DCP G11 and G21. See below excerpt from DCP G11 – Supporting Document 1:
  - *“Laneways are generally used when smaller lot layouts justify access to garages at the rear, and where alternative vehicle access is needed for lots fronting major streets or parklands (i.e., rear loaded lots). Laneways are to only be considered in strategic circumstances, for example, when part of a master plan and are to be designed as self-enforcing shared zones.”*
- Furthermore, based on the evidence provided, the proposed layout would not achieve the objectives indicated in the applicant’s TIA and would lead to less desirable traffic and safety outcomes for the broader road network. As such, it is recommended that DPHI consider rejecting the proposed road layout and seek revised designs that comply with DCP G11 – Supporting Document 1, with all new roads designed for two-way travel.

Note: This is under the assumption that the applicant aims to subdivide the site under Torrens Title and therefore, dedicate these internal roads and associated civil infrastructure to Council.
- Alternatively, should the applicant wish to seek subdivision via a strata title and retain ownership of the civil assets and infrastructure for ongoing maintenance – the proposed designs as shown may be considered further by Council.
- The proposed laneways would also not support the required infrastructure per Council’s DCP for a laneway such as public lighting and landscaping.
- Further, there is parking proposed within these laneways which are proposed to support the development – Council’s DCP requires all parking to be provided within the development, not relying on on-street parking to meet compliance.
- In either of the above cases, any regulatory signage, linemarking or associated traffic control devices will be referred to the Shoalhaven Local Transport Forum for further assessment and acceptance – to be conditioned.

- The staging plan proposed does not conclude at which stage the internal infrastructure (such as the laneways/access) will be constructed.

#### **Access and Manoeuvrability within the site:**

- Based on the submitted plans, it is unclear how waste collections would occur, given the limited road width and lack of manoeuvrability. The applicant is to demonstrate how this will be accommodated with the revised plans indicated above.

Several lots indicate parking would also be provided from the proposed laneway rather than from the primary street. Per Council's Development Adjoining Narrow Laneways Interim Policy, cl3(b): "*Development proposals to increase vehicular access and servicing along narrow laneways that have a road reserve width of less than 10m, are generally not supported. Intensification of lots with rear lane access would need to propose access and servicing from the primary street.*" As such, the proposed access from the rear laneways will not be supported and should be demonstrated as gaining full access from the primary street. This advice should be considered alongside the need for revised road designs, discussed above.

#### Additional Information Required

Based upon the above comments, the following further information is recommended as being required:

- Revised civil plans and road designs addressing the above comments.
- Revised staging plan indicating at which stage the internal infrastructure (such as the laneways/access) will be constructed.
- Revised DRAINS modelling demonstrating compliance with Council's DCP and Engineering Design Specification given the proposed changes and departures from the work undertaken by KF Williams previously.
- Alternatively, clarify that the development will instead be subdivided under Strata Title and therefore, retain ownership of roads and associated civil infrastructure in order to address some of the above matters.

#### Conditions

Nil recommended conditions provided at this stage. Such conditions can be recommended after response to the abovementioned further information request items have been responded to.