

Council Reference: D25/148873  
Contact Person: Justin Lamerton

7 April 2025

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

Attention: Adela Murimba

25 Moss Vale Rd Bomaderry – SSD- 69257218  
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 SSD-69257218.

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.

Council notes that a request for an extension to the due date for responses was submitted to enable Council to provide a complete response with responses from all relevant internal stakeholders, however was rejected by the DPHI. Council therefore wishes to outline that the attached response is reflective of information available at the date of issue of the Letter and should not be taken to be a complete response from Council on all matters.

Further information will be emailed through under separate cover when it becomes available.

If you need further information about this matter, please contact me on 4429 3111.

Yours faithfully

**Justin Lamerton**  
**Lead – Development Services North**  
**City Development**  
**Shoalhaven City Council**

## **Development Engineering Comments / Requirements:**

### Comments

Comments not available to be provided at the time of issue of this response. Any comments will be provided by email under separate cover.

## **Strategic Transport Planning Comments / Requirements:**

### Comments

Comments not available to be provided at the time of issue of this response. Comments will be provided by email under separate cover.

## **Environmental Health Comments / Requirements:**

### Comments

Comments currently being prepared, however not available to be provided at the time of issue of this response. Comments will be provided by email under separate cover.

## **Building Surveyor Comments / Requirements:**

### Comments

Comments currently being prepared, however not available to be provided at the time of issue of this response. Comments will be provided by email under separate cover.

## **Council Property Section Comments / Requirements:**

### Comments

The proposed development is on private land, adjoining Council road and community land parcels. The development proposes new roads and open space, it is assumed that these will be dedicated to Council.

Regarding the new road traversing bushfire prone area, when dedicated as Council public road, Council should not accept treatment and responsibility for management of bushfire risk through vegetation management in the road corridor. Treatment and landscape design of this road reserve needs special consideration and assessment by the relevant Council officers to ensure the Council is not accepting maintenance responsibility and Council is not inheriting risk. Property cannot provide the appropriate conditions for this outcome.

Regarding the open space areas particularly the area adjoining Bomaderry Creek, future asset custodians vested with responsibility for maintenance, management and budget need to be advised for comment for both design, condition of handover of asset to Council and suitability/capacity of Council to accept for future maintenance.

Of relevance to Property is the dedication of new public assets and Asset Protection Zones. Council Policy 22/103 is considered.

1. Proposed new residential lots need to be burdened by an APZ under this policy in the form of a positive covenant under the Conveyancing Act 1919. Future private lot owners are to be

responsible for future APZ management and maintenance and Council indemnified against any loss, injuries or damages incurred undertaking activities defined in the APZ Management Plan or from failure to maintain the APZ to the RFS approved standards.

2. POL22/103 does not support APZ's on Council owned or managed land with new freehold subdivisions. The proposal seeks to dedicate open space along Bomaderry Creek and is identified as being an Asset Protection Zone. Council cannot accept responsibility for proposed public open space that will contain APZ, under POL22/103.

#### Additional Information Required

The proposed dedication of land to Council in the context of Asset Protection Zones and Council Policy needs to be addressed by the proponent.

### **Waste Section Comments / Requirements:**

#### Waste Services

The development will need to consider future mandates for FOGO bin services and ensure that there is suitable room within storage areas to accommodate the additional bins once implemented. Swept path diagrams are required showing that the proposed roads are designed to accommodate a MRV/HRV collection vehicle. Plans should be provided to show locations of bins when stored, a path of travel to the kerbside/collection point and kerbside bin positioning, ensuring 1 linear metre can be provided per bin for buildings that have eligible kerbside space for participation in Council's kerbside collection service. All buildings unable to achieve the required kerbside space should be serviced by a private waste collection contractor within the site. Swept path diagrams demonstrating the contractor's ability to service the site ensuring entry and exit is in a forward motion with limited reversing will be required for all buildings not eligible for participation in Council's kerbside collection service. A commercial private waste collection contractor may be able to provide larger bin services to assist with waste storage room space requirements and servicing intervals.

#### Residential Waste

**Building A** - Mixed Use (6 x 1 Bed Apartments, SCCH Office & Retail) - There is suitable storage and kerbside space for presentation of the 1 x 240L waste and 1 x 240L recycling bin proposed for the 6 x 1 bed unit short-term accommodations. The bin services demonstrated in the residential waste storage area are inconsistent with the bin service outlined in the waste management plan.

**Building B** - Boarding House (18 x Studios and 1 x Managers Unit) - There is suitable kerbside space for presentation of the 3 x 240L waste and 2 x 240L recycling bins proposed in the waste management plan. The storage area needs to be suitably sized to accommodate the required bins including future FOGO bins without the bins being stacked in front of each other.

**Building C** - Multi-dwelling housing (12 dwellings) - The waste management plan indicates sharing 2 x waste bins and 1 x recycling bin between each A & B unit. It is more suitable to provide a separate bin storage area and service to allow each unit to have 1 x waste bin and 1 x recycling bin (standard council service) with storage space to accommodate a FOGO bin per unit. Considering 24 linear metres of kerbside space will be required for presentation of bin services any kerbside parked vehicle will hinder the collection vehicle's ability to provide waste collection services.

**Building D** - 9 x 3 bedroom dwellings - there is suitable kerbside space for each dwelling to participate in Council's kerbside collection service.

**Building E** - 10 x 3 bedroom units + 7 Studios - The waste management plan indicates sharing 2 x waste bins and 1 x recycling bin between each studio and 3 bedroom unit. It is more suitable to provide a separate bin storage area and service to allow each studio and 3 bedroom unit to have 1 x waste bin and 1 x recycling bin (standard council service) with storage space to accommodate a FOGO bin per service. Considering 34 linear metres of kerbside space will be required for bin presentation any kerbside parked vehicle will hinder the collection vehicles ability to provide waste collection services.

**Building F** - 14 Dual Key Apartments - The proposal for 2 units to share a 240L waste and 240L recycling bin service is suitable for the ongoing waste management of the building. Demonstration of suitable kerbside space for the proposed 14 bins is required. The waste storage room needs to be suitably sized to accommodate the proposed number of bins and include space for mandated FOGO bins.

**Building G** - 8 x 3 Bedroom dwellings - The provided plans do not demonstrate any bin storage locations. It is suitable for each dwelling to participate in Council's kerbside collection service by receiving 1 x waste bin and 1 x recycling bin. There is suitable kerbside space for presentation of the 16 bins. Consideration should be given to providing separate storage space for each studio in Building H receiving their own 1 x waste and 1 x recycling bin. Parking access to the studios is provided through the shared communal driveway so it is expected that the bin services will be presented to the northern kerbside out the front of Building G. This will take the total required kerbside space to 28 linear metres.

**Building H** - 8 x 3 bedroom Dwelling + 6 Studios - The waste management plan indicates sharing 2 x waste bins and 1 x recycling bin between each studio and 3 bedroom unit. It is more suitable to provide a separate bin storage area and service to allow each studio and 3 bedroom unit to have 1 x waste bin and 1 x recycling bin (standard council service) with storage space to accommodate a FOGO bin per service. There is suitable kerbside space for the 3 bedroom units to present bins to the properties southern boundary. Considering the studio's are accessed through the communal driveway it is recommended that the bin services are presented to the northern property boundary with bins from Building G.

**Building J** – 27 x Apartments - It is suitable for 2 units to share a 240L waste and 240L recycling bin. The bins outlined in the residential garbage room are inconsistent with the 14 x waste and 14 x recycling outlined in the waste management plan. The bin storage room needs to be suitably sized to accommodate the 28 bins including additional space for the introduction of FOGO bins without impeding on the bulky waste storage area. Further information is required detailing how these bins will be serviced, including bin movement paths with a preference for an onsite waste and recycling collection service provided by a private waste collection contractor.

**Building K** - 28 x 1 Bedroom Shop Top Apartments - It is suitable for 2 units to share a 240L waste and 240L recycling bin. The bins outlined in the residential garbage room are inconsistent with the 14 x waste and 14 x recycling outlined in the waste management plan. The bin storage room needs to be suitably sized to accommodate the 28 bins including additional space for the introduction of FOGO bins without impeding on the bulky waste storage area. Further information is required detailing how these bins will be serviced, including bin movement paths with a preference for an onsite waste and recycling collection service provided by a private waste collection contractor.

**Building M** - 30 x Apartments - It is suitable for 2 units to share a 240L waste and 240L recycling bin. The bins outlined in the residential garbage rooms are inconsistent with the 16 x waste and 16 x recycling outlined in the waste management plan. The bin storage room needs to be suitably sized to accommodate the 32 bins including additional space for the introduction of FOGO bins without any bins being stored stacked in front of each other. Further information is required detailing how

these bins will be serviced, including bin movement paths with a preference for an onsite waste and recycling collection service provided by a private waste collection contractor.

**Building N** - 27 x Apartments - it is suitable for 2 units to share a 240L waste and 240L recycling bin. The bins outlined in the residential garbage rooms are inconsistent with the 14 x waste and 14 x recycling outlined in the waste management plan. The bin storage room needs to be suitably sized to accommodate the 28 bins including additional space for the introduction of FOGO bins without any bins being stored stacked in front of each other. Further information is required detailing how these bins will be serviced, including bin movement paths with a preference for an onsite waste and recycling collection service provided by a private waste collection contractor.

#### Commercial and Retail

**Building A** - SCCCH Office & Retail/Community - The bin services demonstrated in the commercial waste storage area are inconsistent with the bin services outlined in the waste management plan. The storage area needs to be suitably sized to accommodate the required bins without the bins being stacked in front of each other. Further information is required detailing how these bins will be serviced, including bin movement paths with a preference for an onsite waste and recycling collection service provided by a private waste collection contractor.

**Building K** - Childcare Centre & Medical/Retail - The bin services demonstrated in the commercial waste storage area are inconsistent with the bin services outlined in the waste management plan. The storage area needs to be suitably sized to accommodate the required number of waste and recycling bins for the childcare centre and medical/retail premises including additional space for the introduction of FOGO bin services. It is recommended that additional space is also considered should any required medical bins need to be securely store. Further information is required detailing how these bins will be serviced, including bin movement paths with a preference for an onsite waste and recycling collection service provided by a private waste collection contractor.

### **Water Quality Comments / Requirements:**

#### WSUD:

A stormwater treatment strategy was approved for the future use of the site as part of the subdivision consent SF10851 consisting of rainwater tanks for re-use, one CDS type Gross Pollutant Trap (GPT) and one bioretention basin including a coarse sediment forebay.

Water quality modelling was undertaken for SF10851. The IWCMP submitted have compared the assumed land uses in SF10851 with the current proposal (Table 2) to determine whether additional stormwater quality modelling and or update to the approved strategy is required. Table 2 indicates that the land use assumptions made for SF10851 remain valid for this application. The overall assessed impervious areas calculated show a minor difference of less than 0.5%. This increase provides an insignificant impact on MUSIC modelling outcomes, and therefore confirms the assessment completed under approval SF10851.

Hence, the applicant has concluded that no new MUSIC modelling is required. The model previously demonstrated that the proposed stormwater treatment approach can achieve the required reduction targets of 80% TSS, 45% TP, 45% TN and for gross pollutants as per Table 3 in DCP Chapter G2.

No WSUD conditions of consent are required for the proposed development as it does not result in an alteration to the approved stormwater treatment strategy.

#### Additional Information Required

Nil required relating to water quality at this time.



## Floodplain Management Comments / Requirements:

### Flooding

The subject site comprises flood prone land according to Council's adopted *Bomaderry Creek Floodplain Risk Management Study and Plan (2016)*. The site is subject to a peak flood level of 32.2m AHD in a 1% AEP flood event, 37.0m AHD in a Probable Maximum Flood (PMF) event, and have a Flood Planning Level (FPL) of 32.7m AHD. The western part of the property backs onto Bomaderry Creek itself with a High Hazard Floodway hazard and hydraulic category in a 1% AEP event. Further, most of the flood impacted land of the site is mapped as High Hazard Floodway in a PMF event.

It is noted that the western part of the proposed development has been filled to raise the land above the FPL as part of SF10851 (approved December 2022). As such, the proposed development is not subject to the requirements of clause 5.21 of the Shoalhaven Local Environmental Plan (SLEP) 2014. However, the special flood considerations clause 5.22 came into force in November 2023 which applies to land between the FPL and PMF. In addition, there has been a number of guidance released on flood planning from the NSW State Government, and Australian Government, since the approval of SF10851 in December 2022, including, but not limiting:

- *NSW Flood Risk Management Manual (2023)* – June 2023;
- *Flood Risk and Impact Assessment (2023) – Flood risk management guideline LU01* – June 2023;
- Planning Circular – PS24-001 – March 2024;
- Climate Change Considerations for Flood Estimation (Australian Rainfall and Runoff Version. 4.2) – August 2024; and
- *Shelter in place for flash flooding (DPHI, 2024)* – January 2025.

Assessment requirement 15 of the SEARs requires the applicant to consider flood risk, including:

- Identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change and relevant provisions of the *NSW Flood Risk Management Manual*.
- Where the development could alter flood behaviour, affect flood risk to the existing community or expose its users to flood risk, provide a flood impact and risk assessment (FIRA) prepared in accordance with the Flood Impact and Risk Assessment – Flood Risk Management Guideline LU01.
- Detail design solutions and operational procedures to mitigate flood risk where required.

The submitted flood impact statement (D25/104131) is not considered to address SEARs requirement 15 as it has not considered potential effects of climate change, the exposure of future users of the site to flood risk, proposed detail design solutions and operational procedures to mitigate flood risk where required and documented this in a FIRA in accordance with the relevant guideline(s).

In relation to flood risk to future users of the site, the following is noted:

- The *NSW Flood Risk Management Manual* requires assessment of flood risk to consider the full range of events, up to and including the PMF.
- Peak flood level in a PMF is 37.0m AHD (>4m higher than the FPL).
- The flood impacted land in a PMF is largely High Hazard Floodway.
- The proposed underground carpark on Lot F1 has an entry at approx. 34.0 – 34.5m AHD, which is above the FPL and below the PMF. The flood risk to this carpark needs to be considered in the FIRA and management measures, as required, implemented. The Nowra Riverfront Precinct FIRA included suitable development controls to manage flood risk to underground carparks that can be referenced ([LINK](#)).
- Lot M has proposed a semi-enclosed carpark at RL 33.60m AHD. The flood risk to this carpark needs to be considered in the FIRA and management

measures, as required, implemented. The Nowra Riverfront Precinct FIRA included suitable development controls to manage flood risk to open carparks that can be referenced.

- The *Bomaderry Creek Floodplain Risk Management Study and Plan (2016)* identifies the catchment as being a flash flooding catchment having a quick flood response to rainfall (generally <6hr). Further, there is currently no flood warning products available for the catchment to reliably inform emergency services or the public prior to flooding occurring. This may pose challenges to enable efficient evacuation of the area, as required by clause 5.22 of the SLEP, and needs to be considered in the FIRA.
- The Department of Planning, Housing and Infrastructure released earlier in January 2025 the Shelter in place for flash flooding guidelines which should be referenced when assessing the flood risk to future users of the site and when designing suitable mitigation measures in the FIRA to manage the flood risk and ensure the safe occupation requirements of clause 5.22 of the SLEP can be achieved.
- Access to Council's Bomaderry Creek flood model can be made available under a data licence agreement to assist with the development of the FIRA.
- Council's *Bomaderry Creek Floodplain Risk Management Study and Plan (2016)* did not consider impacts from increase in rainfall intensities. The guidance provided in ARR's Climate Change Considerations chapter should be followed and documented in the FIRA.

Further information is required to demonstrate that the proposed development complies with SEARs assessment requirement 15 documented in a FIRA undertaken in accordance with the relevant guidelines.

#### Additional Information Required

A FIRA undertaken in accordance with Flood Impact and Risk Assessment – Flood Risk Management Guideline LU01 is required to demonstrate compliance with SEARs assessment requirement 15. Further details are provided in the overall comments above.

## **Strategic Planning Comments / Requirements**

### Strategic Alignment

The applicants vision for an integrated mixed use development including variety of housing options, essential services, civic spaces and community uses is supported. It has the potential to be a leading example of density done well in Shoalhaven.

The intent of Southern Cross Housing (SCH) to deliver at least 40 new affordable rental dwellings, noting this is equivalent to about 20% of the total number of proposed homes (198). The proposed rate of affordable rental dwelling provision is significant when compared to current practice in Shoalhaven, and elsewhere in NSW, and is applauded. The 40 new homes will contribute to meeting the identified shortfall for affordable housing of between 2,100 and 3,300 dwellings.

SCH's commitment to retaining ownership of at least half of the homes provided in the mixed tenure development, adding them to its stock of social and affordable rental housing is strongly supported. The amount of social housing in Shoalhaven, as a percentage of total housing stock, has not increased for several decades and SCH's continued investment in new social and affordable housing is thus welcomed.

More generally, the provision of 198 new homes in the Nowra-Bomaderry area helps meet the communities' broader housing needs. Noting the average household size over the next 5-15 years in the area is forecast to be between 2 and 2.2 people, the diversity of proposed dwellings, including boarding houses, one-bedroom studios and apartments, and three-bedroom houses, matches the

need for appropriately sized homes. The provision of integrated services such as medical services and childcare will help ensure that the future community is also appropriately supported.

The proposed development aligns with Council's broader planning work, including the aim of its Community Strategic Plan to enable a variety of affordable and appropriately serviced housing options and the priority set in its Local Strategic Planning Statement to provide homes to meet all needs and lifestyles. The proposal is also consistent with the new updated Shoalhaven Affordable Housing Strategy.

SCH is encouraged to increase the impact of its development by introducing initiatives to support the sale or supply of the remaining dwellings (not provided as social or affordable rental housing) to ensure they are provided at a lower price point or made available to lower-income households and essential workers.

#### Matters of Detail

##### **Moss Vale Road upgrade**

TfNSW plans to upgrade and widen Moss Vale Road (MVR) from two to four lanes in the future to support the regionally significant Urban Release Areas that are developing and are planned to the west. The proposal includes a 20m northern boundary setback for buildings to allow for the future widening of MVR at this location.

The SSD application will need to be reviewed by TfNSW to ensure it aligns with any plans/designs being developed for the future road widening.

##### **Pedestrian & Cycle accessibility**

This is an important issue that needs consideration by TfNSW and Council's traffic/transport engineer to comment and collaborate on. Considering the scale of the proposed development, external pedestrian & cycle paths are essential and should be substantially improved to enable future residents to safely access nearby precincts & facilities (Bomaderry Woolworths shopping centre, Aldi, Bomaderry High School, NAC, SCARP etc). Access along Moss Vale Rd and across the Princes in particular needs to be considered and improved.

The SSD proposes to construct a new footpath along Moss Vale Rd from the site to an existing footpath east of the site. This is potentially the minimum needed and there may need to be further consideration/discussion on what else can/should be provided to wholistically support this development, for example, shared path along MVR, treatment at the Princes Highway / MVR intersection.

##### **Contributions Planning/Voluntary Planning Agreement**

There is an existing [VPA](#) over the land to which the SSD applies.

The SSD road network appears inconsistent with the lot layout arrangement in the VPA. The removal of the cul-de-sac head and a slightly different western permitter road alignment will need to be reviewed, and the VPA varied if required/supported. This has implications for the amount of land that Council will take on, the function of the land and maintenance requirements. Further discussion is required in this regard and a plan overlaying the VPA arrangements over the SSD proposal would be helpful.

The drainage reserve will be operational land and there may be restrictions on public access. The design appears to indicate a passive use of this space which will need to be reviewed. The embellishment of the public reserve also requires consideration in the context of the VPA. The emergency bushfire access road needs to be considered in the context of the VPA.



The SSD will need to be consistent with the approved Vegetation Management Plan (VMP), as this is tied to the VPA. This includes consideration of APZ requirements, which was raised as part of the VPA process.

Consultation with City Services is required regarding the impact of the SSD on the two future reserves, the infrastructure within the reserves and any resulting changes to the VPA. This may include potential maintenance requirements.

Contributions payable will be as per the Shoalhaven Contributions Plan, noting the exemptions relating to certain development undertaken by a social housing providers. However given that the EIS foreshadows that not all the housing will remain with SCH, careful consideration is required as a result.

#### Additional Information Required

Nil required relating to Strategic Planning at this time.

## **Biodiversity Comments / Requirements:**

#### Background

An **Operational Consent for SF10851** (D22/529422) was issued on 19 June 2023 and is dated to lapse on 19 June 2028. A **Biodiversity Development Assessment Report** (BDAR; D21/51100) prepared by Eco Logical Australia (dated 4 February 2021) was submitted with the application for SF10851, which was for a six lot Torrens Title Subdivision. The BDAR concluded that 1 credit for the Large-eared Pied- Bat was required to be retired prior any impacts on biodiversity values resulting from the proposal and prior to the issue of a Subdivision Works Certificate.

According to Council's records, private certifier, Subdivision Certifiers Pty Ltd, issued a **Subdivision Works Certificate** (D24/556768) for the subdivision on 28 November 2024. As required by Condition 44 of the SF10851 consent, the developer has provided Council with a **Statement Confirming Payment into the Biodiversity Conservation Fund** to meet the offset obligation of 1 credit for the Large-eared Pied- Bat (D24/556793).

Council have also been provided with a **Vegetation Management Plan** (D24/498750) as required by Condition 45. Council have reviewed the report and requested additional information. The Vegetation Management Plan has not been approved by Council, despite it being a requirement prior to the issue of the Subdivision Works Certificate.

The subject land is affected by a **Voluntary Planning Agreement** (D23/234674) which refers to the Vegetation Management Plan, including the works the developer is required to do by the development consent and the VPA deed (referred to as the Developer Works).

Provided that the developer has met all conditions of the SF10851 consent required prior to the issue of the Subdivision Works Certificate, including a Vegetation management Plan approved in writing by Council, then vegetation clearing is permitted in accordance with the conditions of the consent (including but not limited to Condition 17, 18, 58, 59 and 60).

#### The current application

The current application is a State Significant Development (SSD-69257218) and includes approximately 196 dwellings, including attached dwellings, six residential flat buildings and shop top housing, commercial tenancies, a boarding house, a childcare centre, a medical centre, at grade parking, communal open space and public domain works.

The applicant has made a request to the Planning Agency Head and the Environment Agency Head for a BDAR waiver under s. 7.9(2) of the *Biodiversity Conservation Act 2016*.

Michael Saxon (delegate of the Environment Agency Head, the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water) has issued a **BDAR Waiver** (D25/104351) provided that the development footprint assessed and approved for clearing under the SF10851 consent is cleared of biodiversity values in the near future. He writes that “*Approval has been granted to clear 100% of vegetation within the development footprint (0.13 ha of PCT 1097) under separate development consent (SF10851) for subdivision of the site for which a BDAR was prepared by Eco Logical Australia in 2021. One credit for large-eared pied bat is to be retired to offset impacts to the habitat of this species from clearing for the subdivision.*”

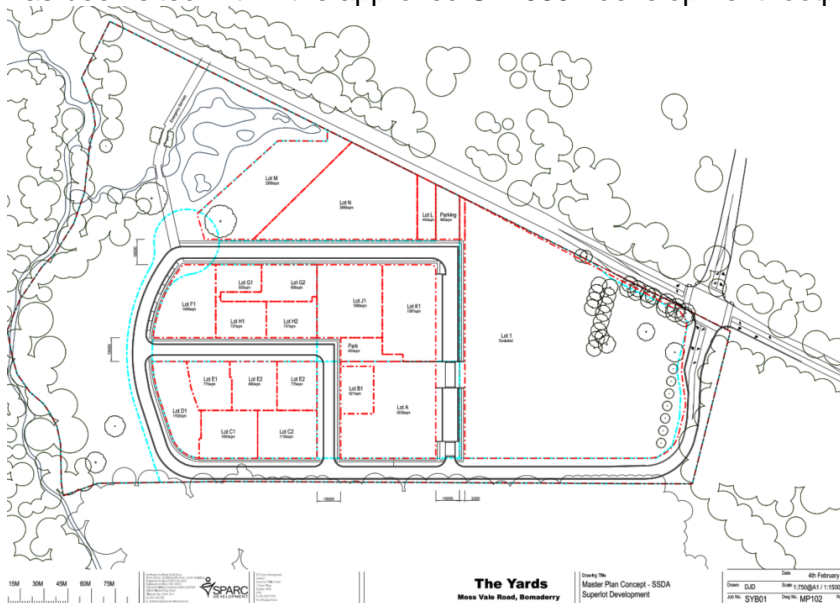
*This BDAR waiver approval is granted on the basis that the development footprint will be 100% cleared in the near future under development consent SF10851 for the subdivision and no biodiversity values will remain.”.*

Similarly, Keith Ng (delegate of the Planning Agency Head, Planning Secretary within the Development Assessment and Infrastructure Division), concurs that a BDAR is not required (D25/104351).

Council concludes that a BDAR is not required provided that:

1. The SSD application (SSD-69257218) footprint remains within the area approved by the SF10851 consent (as required by the BDAR Waivers) and,
2. The clearing works are completed in accordance with the conditions provided in the SF10851 consent, the Council approved Vegetation Management Plan and the Voluntary Planning Agreement are completed.

Based on the mapping provided, it appears that the proposed SSD-69257218 development footprint has been sited within the approved SF10851 development footprint. See snip below.



A Landscape Plan has been reviewed. It is noted that it predominantly includes species native to the Bomaderry location as well as a number of larger eucalypt tree species located in appropriate areas away from dwellings which would enhance fauna movement and connectivity in the locality.

### Additional Information Required

Council recommends that the following information is requested:

1. The Vegetation Management Plan submitted has not been approved and requires updating prior to the commencement of any clearing works. This should have been approved by Council in writing prior to the issue of the Subdivision Works Certificate. Council also requires that the Vegetation Management Plan include all land in the proposed Public Reserve, including the asset protection zone and drainage infrastructure as well as the riparian habitat. The Vegetation Management Plan must also refer to the proposed Landscape Plan, including native plantings proposed around the proposed bioretention basin.
2. Where applicable, the existing Voluntary Planning Agreement is to be updated to include all Public Reserve land proposed to be dedicated to Council. Any changes to the Planning Agreement including updated maps, are to be provided to Council in draft form for review prior to determination.
3. In the event that the SF10851 consent is surrendered, the landowner will be required to surrender the entire application as well as the approved BDAR. If the land has not yet been cleared in accordance with the SF10851 consent, a new BDAR Waiver would be required in accordance with s. 7.9(2) of the *Biodiversity Conservation Act 2016*. The BDAR Waiver Application would have to state that SF10851 consent has been surrendered including the BDAR. A new BDAR may then be required for the SSD application (SSD-69257218).

If a new BDAR is required, it is acknowledged that some survey effort completed to inform the SF10851 BDAR could be relied upon, however most survey effort is now over 5 years old. In line with s.3.4 of the Biodiversity Assessment Method Operational Manual – Stage 1, Council recommends that any survey over 5 years is re-done, including survey for breeding threatened raptors, plants and updated Plant Community Types to align with the classification in the NSW State Vegetation Type Mapping.

4. Based on the preliminary mapping provided, it appears that the proposed SSD-69257218 development footprint has been sited within the approved SF10851 development footprint (plan MP102). Council requests a revised plan showing the proposed SSD-69257218 Master Plan overlaid with the SF10851 development footprint, including:
  - a. a legend to clearly distinguish boundaries, and;
  - b. the land proposed to be dedicated to Council as a Public Reserve.

The Landscape Plan and Tree Planting Plan are supported (provided they meet the requirements of *Planning for Bush Fire Protection 2019*), and it is recommended that they be approved.

## **Shoalhaven Water Comments / Requirements**

### Additional Information Required

Further information on provision of all utility services in the proposed road corridors within their respective allocations.

Consideration and allowance for water servicing to all properties especially in regard to fire fighting and Shoalhaven Water does not allow direct pumping from Council watermain.