

Mundamia Residential Subdivision Modification 3

State Significant Development Modification Assessment Report (SSD-7169 MOD 3)

March 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 3 of Mundamia Residential Subdivision (SSD-7169-MOD-4)
Assessment Report

Published: March 2026

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of modification 3 of the State significant development (SSD) application for Mundamia Residential Subdivision. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the modification is approvable or not, to assist the Independent Planning Commission in making an informed decision about whether the consent for the project can be modified and any conditions that should be imposed.

Executive Summary

This report provides the Department of Planning, Housing and Infrastructure's (the Department) assessment of the proposal to modify the Mundamia subdivision State significant development (SSD) application approval (SSD-7169 MOD 3), in the Shoalhaven local government area (LGA).

On 23 December 2019, the Independent Planning Commission (IPC) approved an SSD application for the Mundamia residential subdivision (SSD-7169), which has been subsequently modified on three occasions (the Subdivision Approval). The approval allows for site preparation works, 308-lot residential subdivision, roads, drainage basins, public reserves and services. The subdivision forms part of a broader 53 ha Urban Release Area (URA) within the Nowra-Bomaderry region, which is predicted to accommodate up to 720 new homes / 1,800 residents.

Avid Property Group (the Applicant) seeks to modify the Subdivision Approval, including to expand the size of the site development area and stormwater drainage basins, undertake additional vegetation clearing, reduce and reconfigure lots, consolidate public open spaces, amend road layouts, development staging, timing of works and bushfire requirements and associated amendments to conditions.

The proposed modification is within the scope of section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and does not constitute a new development application.

This report is provided to the IPC as the consent authority. The IPC is the consent authority as the Applicant disclosed a reportable political donation.

The Department publicly exhibited the project from 24 April 2024 until 7 May 2024 on the NSW Planning Portal. During the exhibition period, the Department received advice from 12 government agencies and a submission from Shoalhaven City Council (Council) providing comments. No public submissions were received.

The key issues raised during the exhibition and notification periods primarily related to stormwater and water quality, biodiversity and offset calculations, subdivision staging and lot density, bushfire protection, flooding and the planning agreement. In principle agreement was finally reached on the planning agreement in January 2026.

In response to the issues raised, the Applicant provided clarification and additional information in support of the modification. In addition, the Applicant amended the proposal, including revisions to drainage basins and modelling, footpath connections, offset calculations, staging plans, bushfire protection and associated amendments to conditions.

The Department has assessed the modification in accordance with the requirements of the EP&A Act and carefully considered the issues raised in submissions and the Applicant's response and

additional information to the issues raised. The Department considers the proposed modification to the Subdivision Approval is acceptable for the following key reasons:

- the expansion of site development area and associated vegetation impacts are justified, would not have an impact on the Biobank area and the biodiversity offset credits are appropriate
- the modified / enlarged drainage reserve basins are necessary to ensure the establishment of an appropriate stormwater strategy and the design has been developed in consultation with Council
- technical analysis submitted with the modification demonstrates that the proposal would not impact groundwater dependent species (GDE) and controls requiring monitoring of GDE are no longer necessary. Notwithstanding, the Department recommends conditions requiring ongoing water monitoring
- approach to water quality targets is acceptable on-balance and necessary to achieve an appropriate overarching stormwater strategy. New water sensitive urban design conditions are proposed to manage and mitigate impacts
- reconfiguration, alteration, amalgamation and reduction of lots and amendments to roads and public open spaces result in a well-considered subdivision layout and support the provision of a diverse community
- the revised Staging Plan provides for lots, infrastructure and amenities in an appropriate order
- the proposed amendments to the conditions of the Subdivision Approval are acceptable, subject to the Department's recommended amendments to address residual issues.

Based on the reasons outlined above, the Department's assessment concludes that the proposed modifications would continue to provide a range of public benefits and remain consistent with the intended outcomes anticipated for the Mundamia URA.

As such, the Department considers the modified project to be in the public interest and concludes that the application is approvable subject to conditions.

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1 Introduction

1.1 Modification summary

1. This report provides the Department of Planning, Housing and Infrastructure's (Department) assessment of an application to modify the State significant development (SSD) consent for the subdivision at Mundamia (SSD-7169 MOD 3).
2. The application was lodged by Allen Price Pty Ltd (the Applicant) on 8 April 2025, pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
3. The modification seeks consent to expand the size of the site development area and stormwater drainage basins, undertake additional vegetation clearing, reduce and reconfigure lots, consolidate public open spaces, amend road layouts, development staging, timing of works and bushfire requirements and associated amendments to conditions.
4. Details of the modification (including amendments since its lodgement) are provided at Appendix A and an overview of the proposed is provided in Section 2.

1.2 The site

5. The subject site is located at Mundamia within the Shoalhaven LGA, approximately 2.5 km west of the Nowra town centre, 1.5 km west of West Nowra, and 300 m south of the Shoalhaven River (Figure 1 and Figure 2).

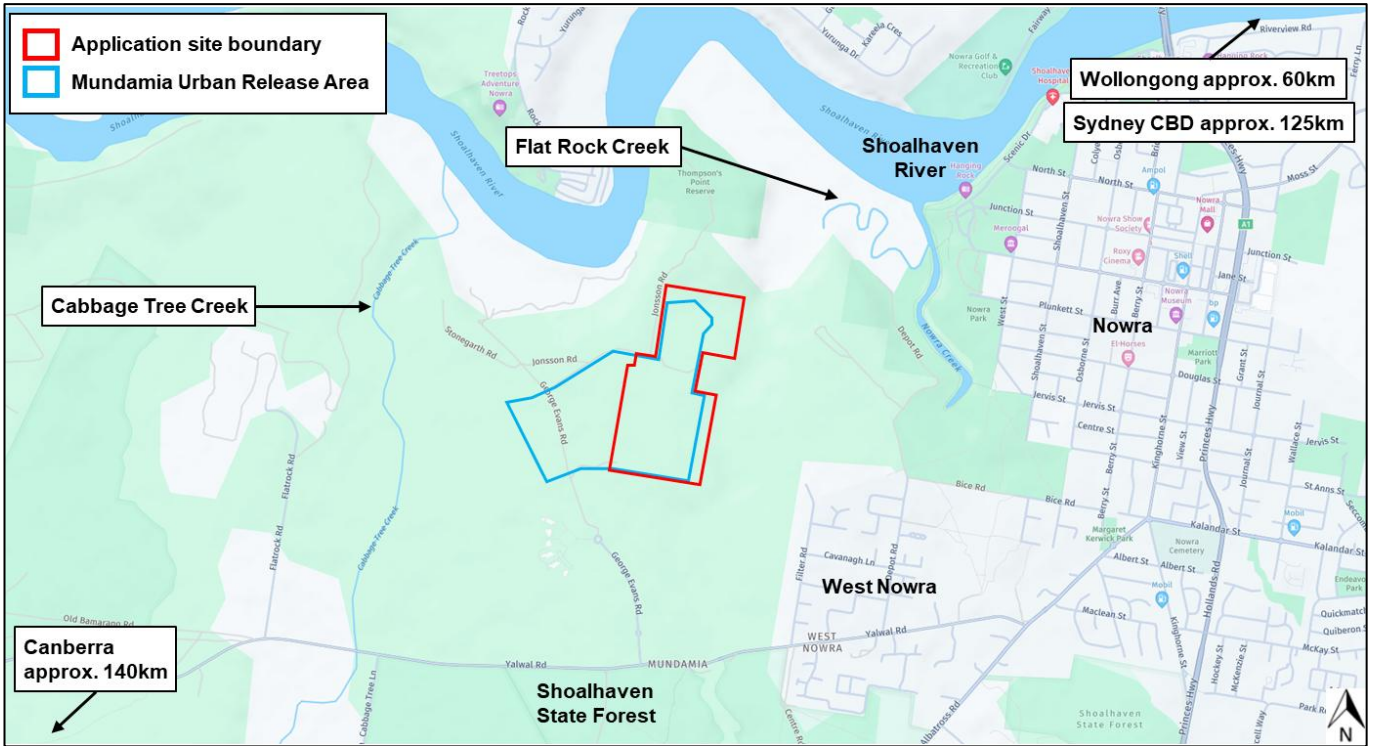


Figure 1 | Regional context map (the site outlined in red, the Mundamia URA outlined in blue) (Source: Nearnmap 2025)



Figure 2 | Aerial view of the site location and context (the site outlined in red) (Source: Nearnmap 2025)

6. The site is legally described as Lot 30 in DP 1198692, is approximately 41.3 hectares (ha) in size and forms part of the Mundamia Urban Release Area (URA) within the Nowra-Bomaderry region. The URA comprises 53 ha of land for up to 720 new homes / 1,800 residents and future

development within the URA is guided by provisions within Chapter NB1 of the Shoalhaven Development Control Plan 2014 (SDCP).

1.2.1 Approval history

Subdivision Approval

7. On 23 December 2019, an SSD application for a residential subdivision was approved by the Independent Planning Commission (IPC) (SSD-7169).
8. The consent has been modified on three occasions as summarised at **Appendix C**. The residential subdivision approval, as modified (the Subdivision Approval), allows for:
 - earthworks, demolition of buildings and vegetation clearing in the site development area
 - a 308-lot residential subdivision to provide a dwelling yield of up to 346 dwellings
 - roads, drainage basins and utility services, including sewer pumping station
 - public reserves and community hall / Neighbourhood Safer Place (NSP).
9. At the time of the writing of this report, no works had commenced in accordance with the Subdivision Approval.

Key relevant Subdivision Approval conditions

10. The IPC determination included deferred commencement conditions relating to bushfire, water supply and design amendments. All of these conditions were discharged in 2021.
11. The Subdivision Approval granted consent for key stormwater management measures subject to the design requirements of conditions C15 and C24. These measures are relevant to the current modification and include:
 - drainage basins, swales and bio-trenches with features to replicate existing flow
 - on-site stormwater treatment to manage off-site discharge and pollutant reduction
 - erosion and sediment controls during construction
 - on-lot stormwater management / rainwater tanks (to be constructed by future residents).
12. Condition D14 requires offsets for the clearing of vegetation by the purchase of credits as per the Applicant's Biodiversity Offset Strategy. D14 requires the staged retirement of a total 544 ecosystems credits and 4,995 species credits prior to works commencing in Stage 1, 4 and 7. The modification seeks to amend the approved offsets.
13. The Applicant lodged post approval applications in response to the key hydrological and water monitoring conditions C4, C5 and C6 in November 2021. However, these post approval applications were withdrawn in May 2024 on the basis that the Applicant was undertaking a detailed review of the design of drainage reserve basins, lot layout and the broader Subdivision Approval (these matters are now the subject of this modification application).

2 Proposed modification

2.1 Modification overview

14. The modification seeks approval to expand the size of the site development area and stormwater drainage basins, undertake additional vegetation clearing, reduce and reconfigure lots, consolidate public open spaces, amend road layouts, development staging, timing of works and bushfire requirements and associated amendments to conditions.
15. The key components and features of the modification (as amended) are summarised at **Table 1** and paragraph 17 and shown at **Figure 3** and **Figure 4**. The modification also includes associated alterations to conditions, including:

B17 (Staging)	D12 (Earthworks)	C35 (Vegetation Management)
C2 (Timing of Works)	C13, C14 (Utilities)	D14 (Offsets)
C3, F2 (Planning Agreement / Contributions)	C15 (Engineering)	F8, F11, F12, F13 (Bushfire)
C4 (Hydo Modelling)	C16, C17 (Roads)	F26 (Easements)
C5 (Water Management)	C24 (Drainage Design)	Schedule 1 (Description)
C6, C7, C8, D12 (Groundwater Dependent Ecosystems)	C32, D10 (Construction)	Appendix 1 (Approved Docs)
	C33 (Erosion)	Appendix 2 (Vegetation Management Plan Area)

16. The Applicant justified the key components of the modification, stating:
- the approved stormwater drainage basins of the stormwater strategy (paragraph 10) cannot meet the engineering and design requirements of conditions C15 and C24
 - the revised stormwater strategy has been developed in close collaboration with Shoalhaven Council (Council)
 - all other proposed modifications to the Subdivision Approval (**Table 1** and paragraph 17) are largely a byproduct of the necessary expansion of the stormwater drainage basins.

Table 1 | Key components of the modification application

Component	Subdivision Approval	Proposed Modification
Drainage basins	<ul style="list-style-type: none"> Provision of four on-site drainage reserve basins (DRB) covering a total area of 12,900 m², and comprising: <ul style="list-style-type: none"> - DRB-1 located at the south of the site 	<ul style="list-style-type: none"> Redesign and expansion of DRBs, including: <ul style="list-style-type: none"> - delete DRB-2a - increase the size and capacity of DRBs to cover a total area of 27,890m² (+14,990 m²)

Component	Subdivision Approval	Proposed Modification
	<ul style="list-style-type: none"> - DRB-2 located centrally at the eastern boundary of the site - DRB-2a located adjacent to the central public open space - DRB-3 located at the north of the site. 	<ul style="list-style-type: none"> - amend the location of Roads 5, 7, and 19 to facilitate the amended DRB-1, 2 and 3 - amend residential lot layouts to facilitate the amended DRB-1, 2 and 3 - amend stage boundaries to reflect modified DRB-1, 2 and 3 - vegetation clearing associated with expansion of DRB-3 (refer below) • Amend C12, C15, C24, C33, F2 and F26(e) and new conditions F32, F33, F34, F35 and F36.
Groundwater dependant ecosystems / species (GDE)	<ul style="list-style-type: none"> • Water from the site to be monitored for impact on GDE on and off the site and implementation of mitigation measures. 	<ul style="list-style-type: none"> • There are no GDE on the site or impacted by the development. • Delete C5, C7, C8 and D12 and amend C4, C6, C35 and D10.
Site development area (SDA), vegetation clearing and biodiversity	<ul style="list-style-type: none"> • SDA of 30.02 hectares (ha). • The site is divided into the SDA (Area A) and bushland reserve / Biobank Agreement area (Area B). • Clearing of 10.46 ha native vegetation. • Requirement to retire 544 ecosystem and 4,995 species offset credits. • Provision of a Sewage Pumping Station (SPS) located at the north-eastern corner of the subdivision 	<ul style="list-style-type: none"> • Increase SDA to 31.04 ha (+10,200m²), no change to the site boundaries / area. • Expand Area A into part of Area B known as the 'Wedge' in the mid-northern boundary of the site. • Increase native vegetation clearing from 10.46 ha to 10.72 ha resulting from clearing of the Wedge and including: <ul style="list-style-type: none"> - removal of 2,560 m² Red Bloodwood / Grey Gum plant community type - removal of 92 m² Nowra Heath-myrtle. • Retire 599 ecosystem offset credits (+15) and 5,040 species offset credits (+45). • Vegetation clearing associated with the SPS considered in technical reports. • Amend C35, D14, F26(e), Schedule 1 description and Schedule 2 Vegetation Management Plan (VMP) Map.
Subdivision lots, roads and landscaping	<ul style="list-style-type: none"> • Provision of residential lot layouts and a NSP. • Total of 308 residential lots 	<ul style="list-style-type: none"> • Reconfigure lot sizes and layouts. • Reduce total lots to 292 (-16), comprising: <ul style="list-style-type: none"> - 276 standard lots (-12)

Component	Subdivision Approval	Proposed Modification
	<p>comprising:</p> <ul style="list-style-type: none"> - 288 standard lots - 20 multi-dwelling lots comprising: <ul style="list-style-type: none"> o 12 dual-occupancy lots o 6 superlots o 2 medium density lots. • 20 access and internal road layouts. • SDA landscaping and layout. 	<ul style="list-style-type: none"> - 16 multi-dwelling lots (-4), comprising 16 superlots and no other lot types. • Relocate and amalgamate standard lots to provide the 16 superlots. • Amend the location and design of Roads 5, 7 and 19 in response to amended DRBs (above). • Amend the landscaping plans to reflect the revised subdivision and DRB layouts. • Amend C14, C16, C18 and C32
Staging and timing of works	<ul style="list-style-type: none"> • 11 development stages (beginning at the west of the site, then generally progressing from south to north). • No works to commence prior to issue of Subdivision Works Certificate (SWC). 	<ul style="list-style-type: none"> • Increase development stages from 11 to 12 by including new 'Stage 0'. • Divide Stage 1 into sub-stages 1A and 1B • Redraw stage boundaries (beginning at the southwest of the site, then moving to the northeast, south and northwest), redistribute the number of lots within stages. • Allow for the amendment of stages (subject to written approval). • Allow demolition works prior to SWC. • Amend B16, B17, C2, C13, C32 and F2.
Public reserves	<ul style="list-style-type: none"> • Provision of two Public Reserves (6,438 m²), including: <ul style="list-style-type: none"> - a Public Reserve located within the central-north part of the site - a central Public Reserve (adjacent to DRB-2a). 	<ul style="list-style-type: none"> • Remove the central-north Public Reserve / provide only the central Public Reserve. • Expand the central Public Reserve into the area formerly identified as DRB-2a. • Reduce total Public Reserve land to 6,344 m² (-94 m²).
Bushfire management	<ul style="list-style-type: none"> • Bushfire fuel, traffic and evacuation management plan / processes 	<ul style="list-style-type: none"> • Amend the bushfire emergency and evacuation plan to reflect the modified subdivision layout and density. • Amend C3, F8, F11-F13 and F26(e).
Planning Agreement (PA) and	<ul style="list-style-type: none"> • A PA for cost apportionment and contributions for identified works. 	<ul style="list-style-type: none"> • Amend requirements for a PA, including removing bushfire management

Component	Subdivision Approval	Proposed Modification
contributions	<ul style="list-style-type: none"> Payment of development contributions. 	requirements. <ul style="list-style-type: none"> Amend the timing of contributions payment to be for each lot at each stage. Amend C3 and F2.

17. The modification proposes amendments to condition D14 and the biodiversity offsets (Table 1), which the Department considers to be a key assessment issue (Section 5.2). For ease of reference, D14 and the Applicant’s proposed amendments are provided as follows:

Biodiversity Offset Requirements

D14 The Applicant must retire the credits listed in Table 1, or retire credits as otherwise agreed by the Planning Secretary, to offset the ecological impacts of the development in accordance with the NSW Biodiversity Offset Policy for Major Projects (OEH 2014b). The credits must be retired in phases prior to the commencement of works within stages 1, 4 and ~~7-5~~ of the development, in accordance with the minimum requirements set out in Table 2 below.

Table 1: Total Ecosystem and Species Credits Required to Offset the Development

Summary of Ecosystem Credits		
Plant Community Type	Impact Area (ha)	Credits Required
SR594 Red Bloodwood (...) OR SR549 Grey Gum - (...)	4.27 <u>4.53</u>	251 <u>266</u>
SR556 Hairpin Banksia (...) OR SR557 Hairpin Banksia (...)	2.29	109
SR594 Red Bloodwood (...) OR SR595 Red Bloodwood (...)	3.16	151
SR648 (...)	0.74	33
Total	10.46 <u>10.72</u>	544 <u>559</u>
Summary of Species Credits		
Species	Impact Area (ha)	Credits Required
Triplarina nowraensis (Nowra Heath-myrtle)	0.945ha <u>336 stems</u> (BOS - Current approval)	4,995 <u>5,040</u>

Table 2: Staging Schedule of for the Retirement of Ecosystem and Species Credits Required to Offset the Development

Timing	Biodiversity Offset
Prior to development commencing for Stage 1	<ul style="list-style-type: none"> 60 <u>203</u> ecosystem credits must be retired to offset the loss of the PCTs identified in Table 1; and 4,995 <u>5,040</u> species credits must be retired to offset the loss of Triplarina nowraensis.
Prior to development	<ul style="list-style-type: none"> 242 <u>153</u> ecosystem credits must be retired to offset the loss of the

Timing	Biodiversity Offset
commencing for Stage 4	PCTs identified in Table 1.
Prior to development commencing for Stage 7 <u>Stage 5</u>	<ul style="list-style-type: none"> • 242-203 ecosystem credits must be retired to offset the loss of the PCTs identified in Table 1.

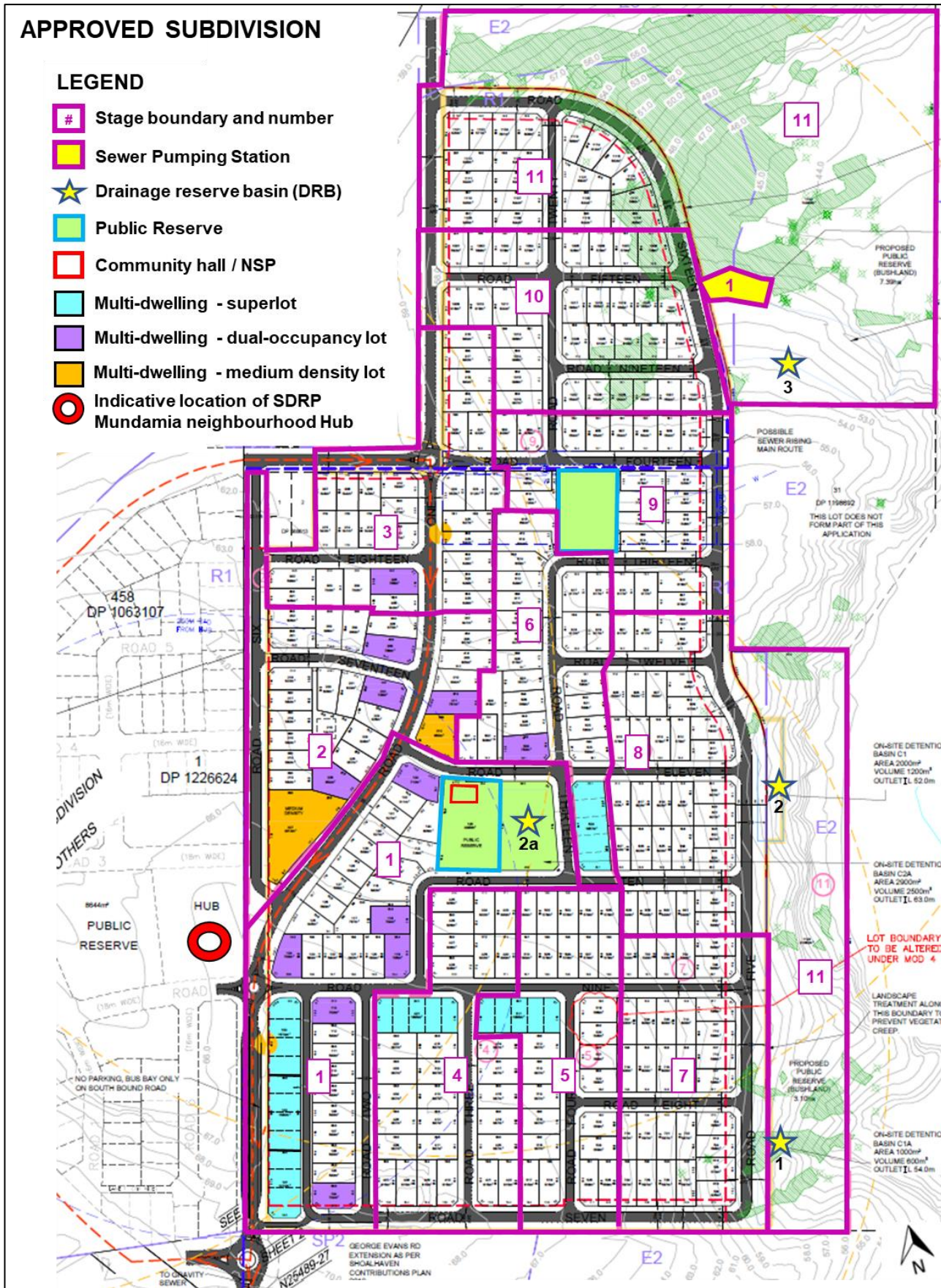


Figure 3 | Approved subdivision layout (Base source: SSD-7169 MOD 4)

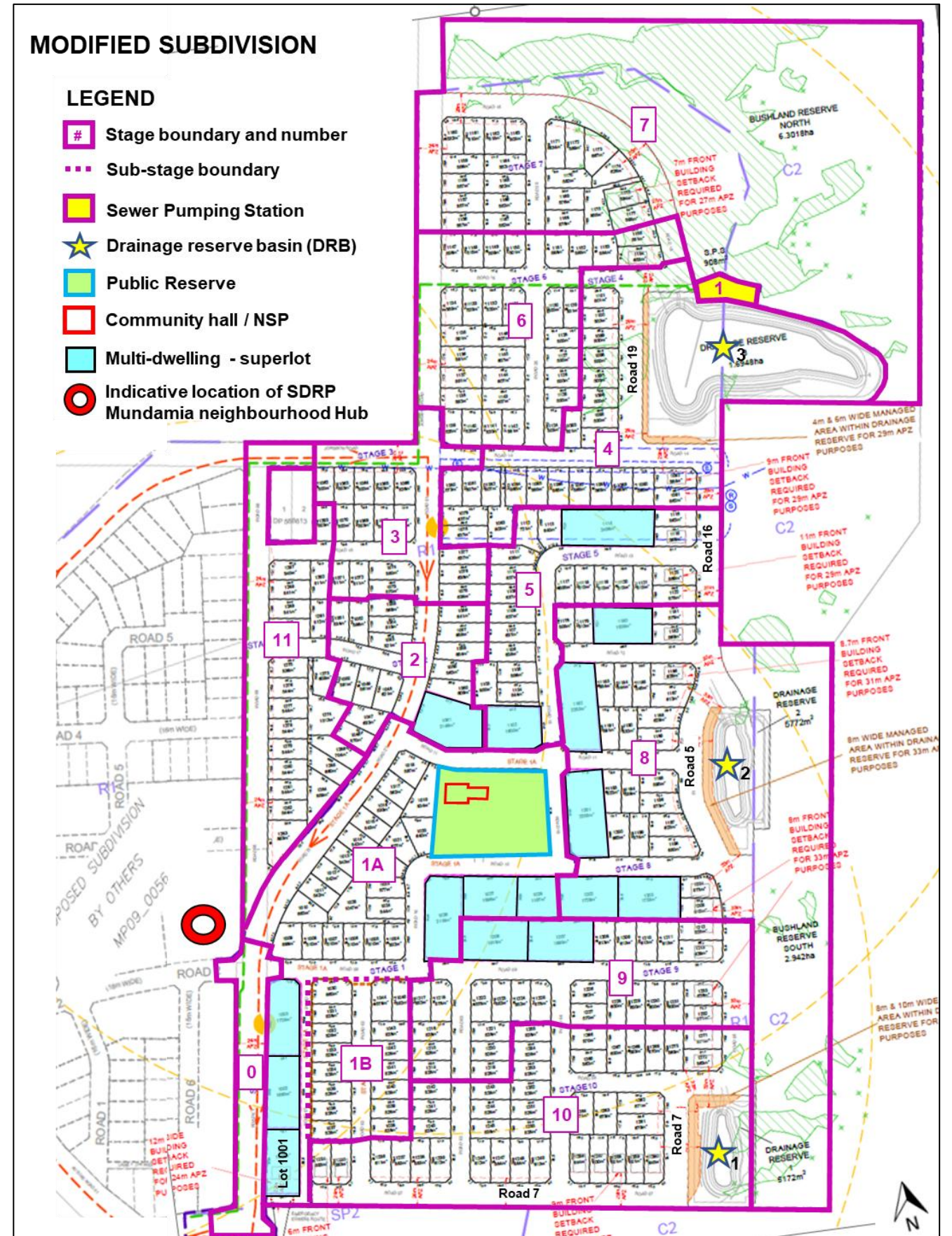


Figure 4 | Proposed modified subdivision layout (Base source: Applicant's EIS)

3 Statutory context

3.1 Scope of modification and assessment pathway

18. Details of the legal pathway under which the modification is sought are provided in Table 2.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	<p>The Department has reviewed the scope of the application and considers that it can be characterised as a modification pursuant to section 4.55(2) of the EP&A Act, as it:</p> <ul style="list-style-type: none"> • it is substantially the same development as originally approved as: <ul style="list-style-type: none"> ○ the proposal continues to comprise a residential subdivision including open space and community hall / NSP, which are permissible and contribute to the objectives of the zone ○ the amendment and reconfiguration of lots, drainage basins, open space, landscaping and roads would not result in significantly different environmental outcomes and does not alter the nature of the subdivision ○ modification of the SDA and vegetation clearing is minor in the context of the overall site and does not alter the conclusions of the original application that these matters can be adequately managed and mitigated ○ the overall built form and predicted amenity impacts are generally consistent with the original subdivision. • the proposed modifications are such that they cannot be considered administrative or minor in nature and therefore warrant the use of section 4.55(2) of the EP&A Act. <p>The Department is satisfied that the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.</p>
Consent Authority	<p>The Applicant has disclosed a reportable political donation. Therefore, the IPC is the consent authority for the project, as originally declared under section 4.5(a) of the EP&A Act and s 2.7(1) of the Planning Systems SEPP.</p>

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

19. In determining the modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act which are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.
20. The Department's consideration of these matters is shown in Table 3.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans and planning agreements	<p>The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment.</p> <p>The Department considers the current modification remains consistent with the EPIs, as outlined in Appendix B – Statutory Considerations.</p>
EP&A Regulation	<p>The modification satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications and public participation, as outlined in Appendix B – Statutory Considerations.</p>
Likely impacts	<p>Section 5 – Assessment.</p>
Suitability of the site	<p>Section 2 – Proposed and Section 5 – Assessment.</p>
Public submissions	<p>Section 4 – Engagement and Section 5 – Assessment.</p>
Public interest	<p>Section 5 – Assessment and Section 6 – Evaluation.</p>

3.2.2 Objects of the EP&A Act

21. In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development. Consideration of these factors is described in Appendix B.
22. The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.2.3 Biodiversity development assessment report

23. Section 7.17(2) of the Biodiversity Conservation Act 2016 (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).
24. The modification includes a Biodiversity Assessment Addendum (BAA), which considers the proposed additional vegetation clearing and the other modifications and concludes that these aspects do not significantly impact biodiversity and all impacts associated with the modification would not affect the adjacent Biobank Agreement Area (Area B).
25. The Department has considered biodiversity impacts at Section 5.2 and is satisfied that the modification will not have an adverse impact on biodiversity values.

4 Engagement

4.1 Public exhibition

26. After accepting the modification application, the Department publicly exhibited the proposal from 24 April 2024 until 7 May 2024 on the NSW Planning Portal, notified occupiers and landowners in the vicinity of the site about the public exhibition and invited comment from relevant government agencies and Council.
27. During the exhibition period, the Department received submissions from Council providing comments and advice from 12 government agencies. The Department did not receive any public submissions. A summary of the matters raised is provided at Sections 4.2 and 4.3 and a link to the advice is provided at Appendix A.
28. The Applicant has taken steps to respond to Council's submission, agency advice and the Department's requests for further information, as summarised at Section 4.4 and set out in its:
 - Response to Submissions Report, dated 12 August 2024 (the RtS)
 - additional information dated 14 May 2024, 11 October 2024, 26 September 2025 and 5 November 2025 (the Additional Information).
29. The Department has considered the comments raised by Council and advice from agencies during the assessment of the proposal (Section 5) and, where appropriate, has recommended new and / or modified conditions of consent (Appendix D) to minimise the impacts of the proposal.

4.2 Summary of advice received from government agencies

30. The Department received advice from 12 government agencies, and a link to the advice is provided at Appendix A. Agency advice was provided from:
 - 3 government agencies providing comments, as summarised in Table 4. The summary outlines the final position and any outstanding comments raised in the agency responses
 - 9 government agencies confirmed that either their initial advice had been adequately addressed by clarification(s) and/or amendment(s) or that the agency had no objection to, and / or comments on, the modification (including, the Conservation Programs, Heritage and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (CPHR), Transport for NSW (TfNSW), NSW Department of Education, NSW Heritage Aboriginal Cultural Heritage (Heritage ACH), Department of Regional NSW Mining Exploration and Geoscience, WaterNSW, DCCEEW Water, Crown Lands and Environment Protection Authority).

Table 4 | Summary of advice from government agencies providing comments on the proposal

Agency	Advice summary
NSW State Emergency Service (SES)	<p>SES noted that the main collector road (Yalwal Road) at its intersections with Cabbage Tree Creek and Flat Rock Creek could be subject to flooding by the local creek.</p> <p>SES recommended the Applicant consider enhancing the flood reliance of any roads that are part of the scope of the proposal.</p>
Department of Primary Industries and Regional Development (DPIRD)	<p>DPIRD provided the following comments:</p> <ul style="list-style-type: none"> • water quality outcomes are worsened compared to the Subdivision Approval • subdivisions should protect water quality by achieving a neutral or beneficial effect or at a minimum SDCP targets • maintenance of stormwater treatment measures in accordance with design and manufactures requirements should be undertaken.
NSW Rural Fire Service (RFS)	<p>RFS recommended that the wording of condition C16(e) and C16(f) be amended to require the design of road(s) fronting public land be constructed with upright kerb and gutter.</p>

4.3 Summary of Council submission(s)

31. Council provided comments on the proposal. Council’s final position and its outstanding comments raised in response to the proposal are summarised below, and a link to Council’s submissions is provided in **Appendix A**:
- the BAA species credit calculation (D14) is inaccurate and should be increased by an additional 15 credits (from 5,040 to 5,065 credits)
 - update the Staging Plans to include the commissioning / decommissioning of temporary sediment basins
 - concentrate medium density lots around / within 400 m of the SDCP identified NSP
 - delineate APZ boundaries with a concrete edge beam instead of bollards
 - ensure amended road layout widths comply with RFS bushfire protection requirements
 - Water Sensitive Urban Design (WSUD) and on-site detention (OSD) conditions are required
 - amend condition C3 to incorporate the final agreed PA terms / position
 - amend condition C13 to require a Shoalhaven Water Certificate of Compliance for each stage of the development
 - the central open space as a ‘local’ open space and should include a play space.

4.4 Response to submissions and additional information

32. Following the exhibition of the modification, the Department placed copies of all submissions and advice received on its website and requested the Applicant to respond to the issues raised in submissions, advice from government agencies and Council's submission. The Department also wrote to the Applicant on 13 May 2024, 27 July 2024, 7 August 2025 and 8 October 2025.
33. The Applicant submitted a RtS report to the Department on 25 June 2024, 12 August 2024 and 11 October 2024, and additional information on 14 May 2024, 26 September 2025 and 5 November 2025 (Appendix A), which amended the proposal and provided a response to submissions, advice and the Department's requests for additional information. The Department published the RtS and additional information on the NSW Planning Portal.

4.4.1 Response to submissions

34. The RtS includes clarifications of the proposed modifications relating to the medium density lots, AHIMS search, hydrology (water quality, flooding, stormwater, WSUD and OSD, temporary basins), offset credits, APZs, staging, public open space and the PA.
35. The RtS included the following amendments to the proposal:
 - revisions to basin outlets design
 - improved footpath connections between superlots and the Community Hall / NSP
 - amendments to conditions:
 - D14 correcting calculation rounding errors and stage references
 - C13 and C16 to incorporate Council's recommended amendments
 - C33 to require inclusion of temporary sediment basin measures
 - C32 to incorporate staging amendment
 - F2 to require contribution payment for each lot in each stage of the development.

4.4.2 Additional information

36. The additional information includes clarification of the proposed modification relating to staging, APZs, bushfire management, basin outlets, medium density lots, water take, coastal systems, hydrology (flooding, stormwater, OSD, temporary basins) and GDE.
37. The additional information included the following amendments to the proposal:
 - amendment of condition C2 to allow demolition work prior to the issue of SWC
 - updated stormwater modelling and water take considerations
 - revisions to the Staging Plan, including the timing and graphical representation of stages
 - revisions to the Bushfire Report and associated plans.

5 Assessment

38. The Department has assessed the proposal, considering all documentation submitted by the Applicant, the issues raised in submissions and advice provided by Council and government agencies.
39. The Department considers the key assessment issues associated with the proposal are:
 - subdivision lot design and layout
 - biodiversity offset
 - drainage and water quality
 - groundwater dependent ecosystems
40. Each of these issues are discussed in the following sections of this report. The Department's consideration of other issues and amendments to conditions is provided in Sections 5.5 and 5.6.

5.1 Subdivision lot design and layout

41. The proposal includes the reconfiguration, alteration and amalgamation of residential lot layouts, reduction of total lots from 308 to 292 (comprising 276 standard lots and 16 superlots) and amendment of public open spaces, as summarised at Table 1.
42. Council recommended the superlots be relocated to be within 400 m of the indicative desired location of the Mundamia neighbourhood hub (the Hub) within the subdivision layout (consistent with the SDCP, Chapter NB1 performance criteria A2.1) (Figure 3 and Figure 4). Council did not raise any concerns about the other proposed alterations to residential lots or the public open spaces.
43. TfNSW noted the modification results in fewer vehicle trips and would not impact the State road network. Heritage ACH stated the modification would not alter the conclusions of the Subdivision Approval, and existing conditions (D13, E23 and E24) remain relevant and sufficient.
44. In response, the Applicant stated that the Hub location identified in the SDCP is an indicative / concept location, on an adjoining undeveloped site with no existing development consent and therefore provision of the Hub in accordance with the SDCP is not certain. In addition, the SDCP does not precisely define the Hub, however, it confirms it includes passive open space and a community hall, both of which have been included within the Subdivision Approval site.

45. Noting the above, the Applicant stated the superlots have been located to relate to the central open space and community hall on the site (the Amenities), and this relationship has been used to assess consistency with the SDCP performance criteria A2.1. The Applicant concluded that acceptable 400–500 m walking distances have been provided between the superlots and the Amenities.
46. The Department has carefully considered Council’s comments, the Applicant’s response, SDCP and the circumstances of the Mundamia URA. In this regard, the Department agrees that the Hub location is not guaranteed and the Amenities would be provided as part of the Subdivision. Therefore, the Department considers it appropriate to relate the superlots to the Amenities (rather than the notional Hub location) and is appropriate to consider consistency with the SDCP.
47. The Department notes all superlots are located nearby the Amenities, with. The Department considers the proposed superlot locations to be acceptable as:
- approved superlot 511 of the Subdivision Approval is located 500 m away from the Hub, which is further away than proposed Lot 1001 from the Amenities on the site (459 m)
 - the proposal is consistent with SDCP performance criteria A2.2, which allows for medium density development throughout the URA provided it is not located adjacent to the site boundary and APZs
 - the superlots are generally clustered around the Amenities (160–200 m away) and the proposed dispersal of superlots provides for built form variation and a more balanced urban environment
 - medium density development is permissible within the R1 General Residential zone.
48. The Department is satisfied that the proposed reconfiguration, alteration and amalgamation of residential lot layouts, reduction of total lots from 308 to 292 and amendments to public open space will not have adverse impacts and support the provision of diverse lots and access to open space within the subdivision. The Department recommends Schedule 1 be amended to reflect the reduction in residential lot numbers and Appendix 1 be amended to incorporate the revised subdivision plans.

5.2 Biodiversity offset

49. The Subdivision Approval includes specific requirements relating to the SDA (Area A) and Biobank Agreement (Area B) (Figure 5). The mapping of Area A and B included a small area (referred to as the ‘Wedge’) at the mid-northern boundary of the site, which was included within Area B but is largely surrounded by Area A.

50. The Subdivision Approval includes consent for the clearing of 10.46ha of plant community types (PCTs) and species across the site as listed in the Framework for Biodiversity Offset Assessment. Together with other PCTs, the clearing includes:
- 4.27ha of the 'SR594/549 Red Bloodwood / Grey Gum' PCT
 - 3.16ha of 'SR595 Red Bloodwood' PCT
 - up to 0.945ha of single species Nowra Heath-myrtle is also allowed.
51. Condition D14 was imposed to ensure that clearing was offset by the purchase of credits as per the Applicant's Biodiversity Offset Strategy. D14 requires the staged retirement of a total 544 ecosystem credits and 4,995 species credits prior to works commencing in Stage 1, 4 and 7 (paragraph 17).
52. The modification seeks approval to expand the boundary of the SDA / Area A in order to accommodate part of the footprint of DRB-3, which results in (Figure 5):
- the expansion of Area A over the Wedge and removal of the Wedge from Area B
 - amendment of the VMP map of the Subdivision Approval to reflect the above change
 - removal of 2,560 m² Red Bloodwood / Grey Gum PCT in the Wedge (total clearing increased to 4.53ha)
 - removal of 92 m² Nowra Heath-myrtle in the Wedge (equivalent to '3 stems' for calculation purposes)
 - round (up/down) credits for 3.16ha of 'SR595 Red Bloodwood' PCT to the nearest whole credit
 - amend D14 to reflect the above changes, to reflect revised subdivision staging, and to include an additional 15 ecosystem credits (total increased to 599) and species credits (total increased to 5,040) (refer to paragraph 17 for Applicant's detailed amendments to D14).
53. The Modification includes a BAA, which considers the impact of the clearing and the expansion of Area A into the Wedge. The BAA states the Wedge is mapped as being highly disturbed and comprised of a weedy patch, part cleared, with some rubbish dumped and does not form part of, or correspond to, any threatened ecological community. The BAA confirmed:
- the proposal would not affect the Biobank site, as the Wedge was excluded from the Biobank Agreement prior to it being registered due to its degraded state
 - additional ecosystem credits and species credits (paragraph 52) are accurate
 - no *Pterostylis vernalis* Orchids are occurring in the Wedge, closest identified species were located 75-100m away, and the proposal results in the removal of one hollow bearing tree, which is addressed by existing Subdivision Approval conditions.

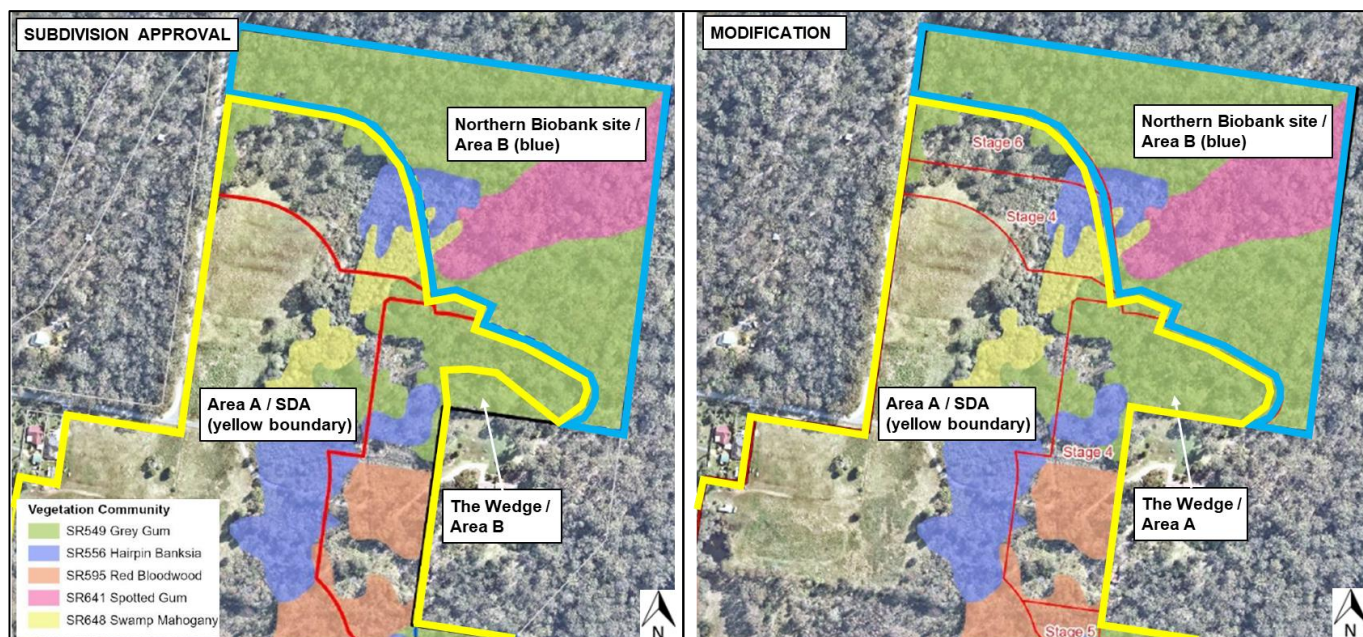


Figure 5 | The Subdivision Approval (left) and modification (right) boundaries of Areas A and B and the location of the Wedge and PCTs (Base source: Applicants BAA)

54. Following review of the RtS, CPHR raised no objection to the modification and confirmed it had no concerns with the calculation of credits, the revised staging of the retirement of credits or the Applicant’s approach to rounding to the nearest whole credit. CPHR confirmed the proposal would not impact the Biobank site and noted the extent of DRB-3 has been expanded principally into developable areas.
55. Council stated it does not agree with the calculation of credits, and an additional 61 credits (one ecosystem and 60 species credits) are required. Specifically, Council:
- stated an additional 1 stem (Nowra Heath-myrtle) is located outside, but at the boundary of the Wedge, which may be affected and should be included in the offsets as a precautionary measure (equivalent of +60 credits)
 - did not clarify its reason for requiring +1 ecosystem credits for 3.16ha of ‘SR595 Red Bloodwood PCT’.
56. In response, the Applicant stated that it is unclear how Council calculated its request for additional credits, and the BAA had accurately calculated the additional credit requirements. The Applicant clarified that credits have been calculated per stage and previously rounded up to the nearest whole credit. However, the cumulative impact of consistently rounding credits up results in the requirement of an additional credit (152 rather than 151 for 3.16ha of ‘SR595 Red Bloodwood’ PCT). To correct the rounding exceedance, the modification rounds up and/or down to the nearest number, which results in 151 credits for 3.16ha of ‘SR595 Red Bloodwood’ PCT.

57. The Department has carefully considered Council's concerns, CPHR's comments and the Applicant's responses. The Department notes that the provision of the DRBs are necessary to ensure compliance with the Subdivision Approval drainage/road design requirements (Section 5.3) and the majority of modifications to accommodate the DRBs have been internalised into the SDA / Area A. Further, the expansion of Area A into the Wedge to accommodate part of the footprint of DRB-3 affects disturbed / degraded vegetation located outside the Biobank site and therefore, impacts have been minimised.
58. Based on the BAA and CPHR's detailed consideration of the proposal, the Department is satisfied that the ecosystem credit calculations are accurate and the Applicant's approach to the rounding up/down of credits to the whole number is appropriate. The Department notes Council's comment about the potential for 1 stem (Nowra Heath-myrtle) at the boundary of the Wedge to be affected. However, noting the identified stem is not located within the Wedge site and is not subject to removal, it would be unreasonable to require an additional 60 credits on a speculative / precautionary basis.
59. The Department considers the amendment to the staging of the retirement of credits to take account of the revised Staging Plan and to bring forward of the last stage of the retirement of credits from Stage 7 to 5 is acceptable.
60. The Department concludes that the expansion of the boundary of the SDA / Area A in order to accommodate part of the footprint of DRB-3, increase in vegetation clearing and associated impacts are justified and acceptable. The Department recommends the amendments to condition D14 to incorporate the revised staging and ecosystem and species credits and the amendments to the VMP Map at Schedule 2 of the Subdivision Approval to reflect the updated boundaries of Areas A and B.

5.3 Drainage and water quality

5.3.1 Modified stormwater strategy

61. Conditions C15 and C24 require drainage basins and roads be designed 'in accordance with' specific design standards as set out in the SDCP, Council's Engineering Design and Development Construction Specifications.
62. As discussed at Section 2, the Applicant proposes an alternative stormwater management strategy (comprising the amendment and expansion of the DRBs) as the approved DRBs would not be able to meet the requirements of C15 and C24. Overall, the modified stormwater strategy comprises three enlarged end-of-line constructed wetlands / DRBs, three CDS-type gross pollutant traps (GPTs) as pre-treatment, two infiltration trenches and future rainwater

tanks on residential lots for stormwater reuse. To avoid impact on the Biobank site (Area B) the expansion of the DRBs has been largely internalised into the SDA (Area A) of the site.

63. In addition to the above physical changes, the modification amends C15 and C24 to require the design of drainage and road works ‘consider’, rather than be ‘in accordance with’, the SDCP, engineering and construction specifications. This is in order to facilitate the alternative strategy solutions and potential variations.
64. Council confirmed it did not object to the overall modified stormwater strategy and stated:
- it has collaborated with the Applicant relating to the overall stormwater strategy, and the modification includes the most practical outcome that can be facilitated on-site when considering the site constraints, device performance, safety legislation and the maintenance burden placed on Council
 - it did not agree with the Applicant’s modelling of rainwater tank capacity and flows. However, Council concluded that, on balance, the overall strategy would achieve an acceptable outcome when considering stormwater quality and quantity outcomes. Council recommended a new OSD condition.
65. The Applicant objected to Council’s recommended OSD condition, stating the Subdivision Approval did not include an OSD condition, and this application should not be treated as an opportunity to impose more stringent or previously overlooked conditions on the consent.
66. The Department notes the approved stormwater strategy for the Subdivision Approval included the installation of DRBs and rainwater tanks as mitigation measures, and the Subdivision Approval did not include an OSD condition. Noting this, and as the modification continues to include DRBs and rainwater tank mitigation measures, the Department agrees it would be unreasonable to impose a new OSD condition. Further, the Department is satisfied that existing conditions and the new WSUD conditions (Section 5.3.2) would adequately address necessary design requirements.
67. The Department supports the amendments to C15 and C24, noting Council raised no concern with these amendments, and the amendments allow for greater flexibility in meeting the SDCP intended outcomes through appropriate alternative design solutions.

5.3.2 Water quality

68. The SDCP identifies specific percentage reduction water quality targets for URAs relating to suspended solids, phosphorus, nitrogen and gross pollutants to protect the water quality of downstream waterways.

69. The modified stormwater treatment strategy / WSUS for the subdivision complies with the SDCP phosphorus and gross pollutant targets. However, it is inconsistent with the SDCP suspended solids and nitrogen water quality provisions, as shown in Table 5.

Table 5 | The SDCP suspended solids and nitrogen water quality provisions

Pollutant	Subdivision Approval	SDCP Provision	Modification	Compliance
Suspended solids	88%	85%	83%	No (-2%)
Nitrogen	48%	45%	40%	No (-5%)
Phosphorus	67%	65%	68%	Yes (+2%)
Gross pollution	98%	90%	98%	Yes (+8%)

70. DPIRD raised concern about the proposed inconsistency with the SDCP water quality reduction targets and the impact of the proposed increase of pollutants entering the catchment area, noting Flat Rock Creek and south of Shoalhaven River are identified as a key fish habitat. DPIRD recommended that more efficient water quality measures should be implemented to meet the SDCP targets and that stormwater treatment measures be maintained in accordance with design and manufacturer's requirements.
71. Council stated it has collaborated with the Applicant relating to the stormwater quality outcomes and it accepts the pollution reduction achieved, subject to new WSUD conditions (F32, F33, F34, F35 and F36) to implement the modified stormwater treatment strategy / WSUS design during construction and to ensure the long-term success and performance of stormwater treatment strategy.
72. In response, the Applicant stated water quality design and outcomes have been prepared in consultation with Council to ensure the provision of the optimal stormwater strategy for the site. Further, it was agreed during negotiations that an acceptable overall outcome could only be achieved through implementation of an alternative water quality treatment strategy to what is recommended by the SDCP targets.
73. The Applicant confirmed it does not object to Council's recommended WSUD conditions. However, it raised concerns that three of the sub-points of Council's WSUD conditions would be unimplementable as drafted, and all WSUD conditions should require the design to 'consider' rather than 'comply' with the requirements. The Applicant has recommended amendment to the conditions as outlined at Table 6.
74. The Department consulted with both Council and the Applicant on the recommended

instrument of modification, and the Applicant requested that the new WSUD condition for stormwater system design be qualified with ‘within the approved treatment catchment area’ and that the new condition requiring maintenance of stormwater infrastructure only require a one-year period rather than a 3-year period. The Applicant also queried sub-points of the condition for the constructed wetland design.

75. The modification includes a Monitoring Plan that recommends ongoing water monitoring be undertaken during construction to ensure the water quality exiting the basins / site does not have adverse downstream impacts.
76. The Department has carefully considered the comments from DPIRD, Council and the Applicant’s response. The Department acknowledges DPIRD concerns, however, the Department considers that the WSUS complying with and exceeding the SDCP phosphorus and gross pollutant targets, while only marginally departing from the other two SDCP targets, represents a balance of impacts. The Department notes the proposed water quality treatment outcome has been arrived at following extensive consultation and collaboration between the Applicant and Council about the design, layout and operation of the DRBs, outlets and infrastructure. In addition, the pollution outcomes are intrinsically linked to the above outcomes, and alteration of parameters to meet SDCP targets is likely to have an adverse impact on the implementation of the overall stormwater treatment strategy.
77. The Department notes the Subdivision Approval did not include WSUD conditions, such as those proposed by Council, and the Applicant confirmed it does not object to the conditions subject to amendments. The Department considers that the conditions would appropriately ensure the provision and operation of the modified stormwater treatment strategy / WSUD and are therefore appropriate. The Department has considered the Applicant’s proposed amendments and accepts the majority of changes, as summarised at Table 6.

Table 6 | The Department’s consideration of amendments to WSUD conditions

The Council’s proposed WSUD conditions (below) and Applicant’s amendments (with deletions shown in strikethrough and amendments shown in <u>bold and underline text</u> below)	Department’s consideration
<p>C39. Prior to the issue of a SWC <u>within the approved treatment catchment area</u>, a detailed design (...) <u>generally</u> in accordance with Council’s Engineering Design and Construction Specifications is to be approved by Council (...) The constructed wetland design must comply with <u>consider</u> the following:</p> <p>(...)</p> <p>(b) rainwater tanks in accordance with BASIX requirements. All rainwater tanks must have a 10kL volume, with a minimum 5kL</p>	<p>The Applicant described that there are portions of early works that are outside the treatment drainage catchment, and therefore a potential early works approval would not require the design of basins; However, the Applicant has not</p>

The Council's proposed WSUD conditions (below) and Applicant's amendments (with deletions shown in ~~strikethrough~~ and amendments shown in bold and underline text below)

Department's consideration

~~dedicated to retention~~, and a minimum of 80% of roof areas contributing to the rainwater tanks;

(...)

(g) the constructed wetland must be ~~established offline from inflows until it is fully established and not before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised~~ brought online with the staged delivery of the subdivision, with the Applicant being responsible for the cleaning / maintenance of basins until final handover when at least 90% of upstream catchment is fully developed;

(...)

(n) ~~Required OSD for the subdivision is to be provided up front prior to construction of impervious surfaces. An interim/staged OSD strategy may be required if OSD is proposed combined with WSUD devices, and these water quality devices are not to go online until 90% of the development has been completed~~ rainwater tanks / OSD for each lot within the subdivision are to be provided and fully operational prior to the issue of the first Occupation Certificate for the building on each lot

defined what is 'inside' or 'outside' the drainage treatment catchment. The Department does not recommend 'within the approved treatment catchment area' be included in the condition.

The Applicant described that 5kL retention would not allow agreed stormwater pollutant targets to be achieved. The Department does not recommend 5kL retention be included in the condition.

The Department accepts the remaining changes as:

- requiring development of 90% of the catchment prior to bringing basins online would result in the absence of water quality controls during construction
- up-front provision of rainwater tanks on lots is not possible, noting the tanks would form part of future construction of dwellings on the lots
- allowing for a suitable level of flexibility in achieving the desired outcomes to the WSUD conditions is acceptable as the conditions require final designs to be approved by Council.

The Council's proposed WSUD conditions (below) and Applicant's amendments (with deletions shown in ~~strikethrough~~ and amendments shown in bold and underline text below)

Department's consideration

C40. Prior to the issue of a SWC, a detailed design of constructed wetland stormwater quality improvement devices must be certified by a professional engineer (...) The constructed wetland design must consider the following:

(...)

(b) for proprietary treatment devices, documentation from the supplier providing evidence that the proposed device has been appropriately sized for the contributing catchment must be submitted. Documentation from the supplier confirming the recommended MUSIC pollutant reduction targets must also be provided. The proprietary treatment device must as a minimum have a storage capacity to store 12-month of litter/sediment from the contributing catchment. The invert level of outlet pipes of all proprietary treatment devices must be constructed at or above the Extended Detention Depth (EDD) of the downstream constructed wetland;

(...)

(e) all inflows must enter the upstream end of the constructed wetland to ensure flows pass through the full length of the treatment device without any significant dead spots or the ability for flows to short-circuit the constructed wetland. A deeper pool is required in the location of both inflow and outflow pipes. A length to width ratio greater than 4:1 is required for the macrophyte zone;

(f) proprietary treatment devices are not to be considered in operational stage before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised;

(g) the constructed wetland / basins must be brought online with the staged delivery of the subdivision, with the Applicant being responsible for the cleaning / maintenance of basins until final handover when at least 90% of upstream catchment is fully developed;

(h) land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 3m average width buffer

The Applicant contends that items (f), (g) and (n) should be moved to other conditions (for example (n) should be a restriction or positive covenant).

The Department considers that the stipulations at items (f), (g) and (n) are relevant to the constructed wetland design but also comprise later or ongoing requirements. The Department recommends, for the avoidance of doubt, a new administrative condition clarify that conditions must be satisfied at the relevant time and continue to be satisfied as necessary.

The Applicant also contends that the intention of (f) is unclear, what is considered 'planting' under (h) is unclear, and (k) does not include correct references.

The Department assumes (f) seeks small scale devices not form more than 10% of wetland management. The Department is satisfied with (f).

The Department does not consider the 'planted' requirement within (h) to be a substantive matter.

The Department considers the (h) requirement for surfaces to be 'planted' is satisfactory.

The Council's proposed WSUD conditions (below) and Applicant's amendments (with deletions shown in strikethrough and amendments shown in <u>bold and underline</u> text below)	Department's consideration
<p>around the stormwater devices (measured from the top of batter) are required for access, landscaping and safety requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted;</p> <p>(...)</p> <p>(k) land must be made available for decanting in accordance with the Water Management and Disposal requirements of the Guidelines for the Maintenance of Stormwater Treatment Measures;</p> <p>(...)</p> <p>(n) rainwater tanks / OSD for each lot within the subdivision are to be provided and fully operational prior to the issue of the first Occupation Certificate for the building on each lot;</p> <p>(...)</p>	<p>The Department is unable to verify what is the Guideline for the Maintenance of Stormwater Treatment Measures. The Department considers it appropriate to substitute the specific references within (k) with 'applicable industry standard'.</p>
<p>C42. The developer is responsible for all maintenance of the stormwater infrastructure including GPT devices, constructed wetlands, and infiltration trenches for a period of 3-years <u>one year</u> from construction up until Council's acceptance that the WSUD devices and associated stormwater assets are of a satisfactory condition at the end of the 3-year <u>one year</u> maintenance period. Approaching hand over at the conclusion of the 3-year <u>one year</u> maintenance period, a site meeting with Council must be arranged by the developer. The objective of the meeting will be to identify any outstanding actions that require rectification by the developer before asset hand over. Annual reports documenting maintenance activities, implementation measures, and containing all monitoring results are to be submitted to Council during this phase.</p>	<p>The Applicant has described that a 3-year maintenance period seems onerous, given the interpretation that this will not start until following 90% completion of dwellings, and that a more typical 12-month maintenance period would be appropriate in this context; However, the Department considers that, given the extent of the stormwater infrastructure, the creation of constructed wetlands and importance that the system functions correctly, the 3-year period is appropriate.</p>

78. Based on the above assessment and the implementation of conditions, the Department concludes the inconsistency with the SDCP water quality reduction targets is on-balance

acceptable and necessary in order to achieve the overall appropriate stormwater treatment strategy / WSUD for the subdivision.

5.3.3 Commissioning and decommissioning of temporary sediment basins

79. The Subdivision Approval includes the provision of temporary sediment basins across the site, which form part of the staged release strategy for the subdivision. The Subdivision Approval does not include specific condition(s) relating to the staged commissioning and decommissioning of temporary sediment basins across the site. However, condition C33 requires the preparation of a soil and water management plan (SWMP) for the construction phase of the works, and E11 requires implementation of the SWMP and suitable erosion and sediment control measures on-site.
80. Council recommended that the Applicant detail the staged commissioning and decommissioning of sediment basins and clarify how they will be managed following construction and prior to the installation of the final DRBs.
81. In response, the Applicant stated the Subdivision Approval was granted without this information and it would be unreasonable / onerous to add a requirement for significant new detail now as part of the modification. Notwithstanding this, the Applicant confirmed it would accept the insertion of a clarifying statement into condition C33 to explicitly require the SWMP to include details of the commissioning and decommissioning of temporary sediment basins.
82. The Department has considered Council's concerns and the Applicant's response and considers the proposed amendment of condition C33 adequately addresses Council's comment, noting:
 - the commissioning and decommissioning is a construction matter that can be resolved prior to the issue of a construction certificate (CC) or Subdivision Works Certificate (SWC)
 - C33 and E11 require the preparation of a SWMP and implementation of mitigation measures, which would be required to be satisfied for each applicable stage and CC / SWC
 - Subdivision Approval was granted consent without commissioning and decommissioning information.
83. The Department recommends that condition C33 be updated to include a statement that SWMP include details of the commissioning and decommissioning of temporary sediment basins.

5.4 Groundwater dependent ecosystems

84. The Department's original assessment of the Subdivision Approval noted the Nowra Heath-myrtle (the Myrtle) vegetation and the Spring Tiny Greenhood Orchid (the Orchid) are GDE and protected under the TSC Act and EPBC Act. Further, the approved works may affect ground and surface water flows to the Myrtle vegetation and Orchid habitat located downstream of the Subdivision Approval.
85. The Subdivision Approval required physical stormwater management measures summarised at paragraph 10 to retain water supply to the Myrtle and Orchid vegetation / habitat. In addition, the Applicant's Hydrological Assessment committed to implementing a recharge stormwater management system (RSMS) to mimic the existing water flow and quality conditions on-site.
86. In determining the Subdivision Approval, the IPC accepted the Department's conclusions that post development flows and water quality to GDEs located downstream of the development can be maintained subject to conditions requiring:
- updated hydrological modelling based on 12 months of collected data to confirm growing conditions and a monitoring program to quantify off-site impacts. Modelling and monitoring to occur three months of the development consent (conditions C4 and C6)
 - implementation of a revised RSMS based on the updated C4 hydrological modelling (conditions C5 and C7)
 - implementation of a contingency strategy and GDE management plan to ensure long term protection of affected GDE vegetation / habitat (conditions C8 and D12).
87. The modification includes an assessment of GDE on the site (the GDE Analysis), a Hydrological Regime Assessment Report (HRAR) and a monitoring plan (Monitoring Plan), which jointly conclude that the volume of groundwater moving to identified important ecological attributes is small and there is no established link between groundwater regimes and the identified ecological values present. In addition, groundwater is not a major contributor to the Myrtle and Orchid vegetation / habitat, and GDE are not present on, or downslope of, the site area to be developed. The modification concludes therefore GDE would not be impacted by the proposal.
88. The Monitoring Plan recommends that ongoing water monitoring be undertaken during construction to ensure the water quality exiting the basins / site does not have adverse downstream impacts.
89. The Applicant has stated that the GDE Analysis, HRAR and Monitoring Plan meet the information requirements of conditions C4 and C6, which require the preparation of such reports prior to the issue of Construction Certificate (CC).
90. Based on the above findings, the modification proposes the following condition amendments:

- amend conditions C4 and C6, including revising the timing of the condition to be prior to issue of a CC, as despite the lack of GDE, ongoing monitoring of stormwater is warranted
 - delete conditions C5, C7, C8 and D12 as there is no need to implement a RSMS, contingency strategy or GDE management plan
 - amend C4, C35 and D10 to remove any references to GDE.
91. CPHR specifically considered matters relating to GDE and confirmed it had no comments on the proposed deletion / amendment of conditions. Council, DPIRD did not provide comments relating to GDE.
92. The Department has carefully considered the modification and accepts the findings and conclusions of the GDE Analysis, HRAR and Monitoring Plan, noting the detailed and thorough nature of the reports and that the relevant government agencies have no comments on the proposal.
93. Accepting that the subdivision would not result in adverse impact on GDE for the reasons outlined above, the Department supports the deletion of conditions C5, C7, C8 and D12 and the amendment of conditions C35 and D10 to remove any reference to GDE.
94. The Department notes that the modification seeks to amend C4 and C6 to change the timing of the preparation modelling and monitoring. However, given that the submitted HRAR and Monitoring Plan have already adequately addressed the information requirements of C4 and C6, the Department is satisfied that those conditions can be deleted and replaced by new conditions requiring water monitoring compliance.
95. Specifically, the Department recommends a new / replacement condition C6 requiring compliance with the water monitoring and mitigation measures of the Monitoring Plan and the Revised Stormwater Management Plan as follows:
- water monitoring during the construction phases of development and for a minimum period of five years after the issue of the final SWC
 - implementation of the Revised Stormwater Management Plan water management and mitigation measures in the event that water quality trigger values are exceeded.

5.5 Other issues

96. The Department's consideration of other issues is summarised in below.

Table 7 | Assessment of other issues

Issue	Findings and conclusions	Recommendation
<p>Revised development staging</p>	<ul style="list-style-type: none"> As outlined in Table 1 the modification seeks to amend development staging as follows: <ul style="list-style-type: none"> new 'Stage 0', relating to the Entry Road (no residential lots) divide Stage 1 into two sub-stages (Stage 1A and 1B) redraw stage boundaries and revise the number of lots per stage. The modification recommends condition C32 to take account of the above changes. Following consideration of the additional information, Council did not raise any concern regarding the revised staging or stage boundaries. The Department notes that Stage 0 applies only to the Entry Road and does not include any residential lots. Given this, the Department is satisfied that the inclusion of this new stage would not conflict with existing conditions that anticipate Stage 1 as being the first stage of the development. The Department recommends that condition C32 be updated to include a reference to Stage 0. The Department considers the division of Stage 1 into two sub-stages (1A and 1B) is acceptable in principle and would not affect the timing of requirements set out in conditions stipulating actions prior to CC / SWC of 'Stage 1' (being conditions C14, D13, D14, F2, F7, F8 and F11). The Department notes the revised staging boundaries, although different from the Subdivision Approval, would continue to provide for lots, infrastructure and amenities in an appropriate order, and the subdivision would continue to be developed in a manner generally consistent with the original intent of the Subdivision Approval. The Department recommends that Appendix 1 be amended to incorporate the revised staging plans. 	<p>The Department has recommended Appendix 1 be amended to incorporate the revised staging plans.</p>
<p>Staging sequence flexibility</p>	<ul style="list-style-type: none"> As outlined in Table 1 the modification amends condition B16 to include reference to the staging plan and also to allow future amendment(s) to the staging sequence via written approval of the consent authority. Council did not comment on the proposed amendment of B16. The Applicant has stated the staging order for the development may change in the future and allowing for staging flexibility via an exchange of letters would avoid the need for future detailed modification application(s). The Department consulted with both Council and the Applicant on the 	<p>The Department recommends condition B16 be amended to allow Stages 6 to 11 to be undertaken in any order and B16 refer to the staging plan.</p>

Issue	Findings and conclusions	Recommendation
	<p>recommended instrument of modification. The Applicant recognised that conditions relating to infrastructure and biodiversity are generally tied to earlier stages 1-5, and the Applicant proposed B16 allow later stages to be undertaken in any order and concurrently.</p> <ul style="list-style-type: none"> The Department is satisfied that later stages can be undertaken in any order without jeopardising requirements within the consent. The Department also recommends B16 refer to the updated staging plan. 	
Road layout	<ul style="list-style-type: none"> The modification amends the design and location of Roads 5, 7, and 19 to facilitate the revised / expanded size and capacity of the DRBs. Condition C16 includes road design parameters and requires that road formation designs to be approved by Council. Council requested the Applicant confirm the modified road layout achieves consistency with RFS requirements. Council and RFS recommended C16 be amended to require areas fronting public land be constructed with upright kerb and gutter. In response, the Applicant stated the modification includes only minor changes to the road layout, road widths have not changed and will be consistent with RFS requirements and Subdivision Approval conditions. The Applicant confirmed it agrees to the revision of C16 to incorporate Council / RFS' amendment relating to kerbs and gutters. The Department considers the revised road design and layout is acceptable, subject to the amendment of C16 (and other amended conditions at Table 8), as: <ul style="list-style-type: none"> Council and RFS do not object to the revised road layout design and C16 requires future roads to comply with Planning for Bushfire Protection 2006 C16 is amended in accordance with Council and RFS recommendations. 	<p>The Department recommends condition C16 be updated to require areas fronting public land include upright kerb and gutter.</p>
Delineation of APZ	<ul style="list-style-type: none"> Condition C35 concerns bushfire protection and C35(m) requires timber bollards be installed 1 m from the kerb adjacent to the bushland reserve. Council recommended the APZ boundaries be delineated by a concrete beam edge, rather than timber bollards, to reduce Council's ongoing maintenance requirements regarding the need to cutgrass around each bollard. The Applicant stated the modification does not include any 	<p>The Department recommends condition C35(m) be amended to require steel bollards.</p>

Issue	Findings and conclusions	Recommendation
	<p>amendment to C35(m), and bollards are an industry accepted delineation standard. Notwithstanding this, the Applicant offered to provide steel bollards instead of timber.</p> <ul style="list-style-type: none"> The Department notes C35(m) already allows for the installation of bollards to delineate the APZ, the modification proposes no change to C35(m) and in this context the Department considers it would be unreasonable to require the replacement of bollards with a concrete beam. The Department considered the Applicant's offer to provide steel bollards (rather than timber) would improve their durability and recommends C35(m) be updated accordingly. 	
Open space provision	<ul style="list-style-type: none"> Based on Council's draft Community Infrastructure Strategic Plan (CISP) Council stated that the central Public Reserve open space should be classified as a local (rather than district) level open space and should include a local play space. The draft CISP is not publicly available and has not been made available to the Department or the Applicant. The Department has not been able to consider whether the central Public Reserve open space should be reclassified and be required to include a local play space. The issue is therefore too uncertain to condition at this stage. 	No amendments to conditions.
Flooding	<ul style="list-style-type: none"> The modified stormwater management strategy for the site, which includes the implementation of rainwater tanks on each lot and combined wetland and DRBs, reduces post development flows to equal to or less than pre-development flows. The existing and proposed site is located outside the Probable Maximum Flood (PMF) extent, including during the projected climate change scenarios (2050 and 2100). SES noted that although the proposed internal roads and local roads appear to remain flood free up to the PMF, the main off-site collector road (Yalwal Road), may become overtopped by local creek flooding where it meets Cabbage Tree Creek and Flat Rock Creek. SES recommended the Applicant consider enhancing the flood resilience of roads that are part of the scape of the proposal where possible. In response, the Applicant stated Yawal Road is an off-site road and outside the scope of the proposal. The Department notes the proposal remains flood free up to the PMF and the modification does not result in a worsening of the flooding 	No amendments to conditions.

Issue	Findings and conclusions	Recommendation
	conditions. Noting this, and that the Subdivision Approval did not include any changes to local roads outside the site boundary (including Yawal Road), the Department agrees that upgrades or improvements to Yawal Road are beyond the scope of the proposal.	

5.6 Other amendments to conditions

97. In addition to the amendments to conditions discussed in the preceding sections, the modification also proposes the amendment and deletion of other conditions contained at Schedule 2 and the Appendices of the Subdivision Approval.
98. The Department has considered the proposed modifications to conditions (not already discussed above) in **Table 8**.

Table 8 | The Department’s assessment of the proposed modifications to conditions

Existing condition	Modified condition	Department’s consideration
Commencement of works <ul style="list-style-type: none"> Condition C2 prohibits the commencement of any work (including demolition) prior to issue of the SWC. 	<ul style="list-style-type: none"> Amend C2 to specifically allow demolition works prior to SWC to facilitate the demolition of the existing cottage, outbuildings and sheds on the site. Amend C2 to also allow remediation works prior to SWC for same reasons as above. 	<ul style="list-style-type: none"> C2 amendment agreed. The change relates only to demolition works. All other works (subdivision, vegetation removal or any other works) would continue to be prohibited prior to SWC. Existing structures for demolition are on cleared land, and demolition works would not impact existing vegetation. Demolition, if not part of the Approval, could have been possible under Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The Department has no objection to the undertaking of remediation works.
Review of strategy, plan and program reports <ul style="list-style-type: none"> Condition B17 requires the additional review of identified strategy, plan and program reports (required 	<ul style="list-style-type: none"> Amend B17 to require the identified reports be reviewed only if requested by the Planning Secretary. 	<ul style="list-style-type: none"> B17 amendment not agreed. Condition B17 is part of the Department’s standard suite of conditions. The application has not provided adequate justification to modify the requirements.

Existing condition	Modified condition	Department's consideration
<p>by other conditions) within 3 months of their submission.</p>		
<p>Planning Agreement (PA)</p> <ul style="list-style-type: none"> Condition C3 requires the Applicant to enter into a PA. C3(d) requires other bushfire management measures be met. 	<ul style="list-style-type: none"> Delete C3(d) to remove the bushfire management measures requirement as it is irrelevant to the PA and addressed by conditions C16(e), C17, C35(f), F6–F15, F26(e) and G1–G3. 	<ul style="list-style-type: none"> C3(d) deletion agreed. The PA outlines costs and land contributions. Reference to bushfire management is not relevant in this context and is addressed in other conditions of the Subdivision Approval. Council did not raise concerns with the amendment. The Applicant submitted an updated PA letter of offer dated 19 December 2025 to Council. Council agreed to it on 9 January 2026 and recommended amended wording to C3. The Applicant did not raise concerns with the amendment, and the Department recommends it be adopted.
<p>Utilities and services</p> <ul style="list-style-type: none"> Condition C13 requires the Applicant to apply for a Certificate of Compliance from Shoalhaven Water. 	<ul style="list-style-type: none"> Amend C13 to require a Certificate of Compliance be obtained for each stage of the development (as requested by Council). 	<ul style="list-style-type: none"> C13 amendment agreed. Administrative change to condition, which has been agreed between the Applicant and Council.
<p>Sewerage Pump station (SPS)</p> <ul style="list-style-type: none"> Condition C14 requires land be reserved for a SPS and includes location, size and easement requirements. 	<ul style="list-style-type: none"> Amend C14 to refer to the SPS location and size shown on the subdivision plan and remove the requirement for an easement. 	<ul style="list-style-type: none"> C14 amendment agreed. The revised SPS has a direct, public and greater than 4 m wide road access (from Road 15) in accordance with Council's requirements. Adequate temporary road access is provided during construction and prior to completion of the permanent road. Council did not raise concerns with the amendment. As there is public road access, an easement is not required.
<p>Timing of road works</p> <ul style="list-style-type: none"> Condition C18 requires the 	<ul style="list-style-type: none"> Amend C18 to require the Applicant to 'design' the road 	<ul style="list-style-type: none"> C18 amendment agreed. Administrative change to condition to

Existing condition	Modified condition	Department's consideration
<p>Applicant to 'construct' road entry thresholds and roundabouts and show details on the CC.</p>	<p>and roundabout works, noting that Part C of the consent sets requirements to be satisfied prior to the issue of a CC (or SWC), and the respective works shown on these plans must be completed.</p>	<p>correct timing requirement of this condition.</p> <ul style="list-style-type: none"> The PA ensures these roads will be constructed by the Applicant. Council did not raise concerns with the amendment.
<p>Landscape Masterplan and Vegetation Management</p> <ul style="list-style-type: none"> Condition C35 and C36 require the preparation of master landscape plan (MLP) and VMP for 'Area A'. 	<ul style="list-style-type: none"> Amend C35 so that the MLP is required for Area A and the VMP is required for Area B. 	<ul style="list-style-type: none"> C35 amendment agreed. The Subdivision Approval includes the clearing of all vegetation within the SDA (Area A). Therefore, the Department agrees there is no need for a VMP relating to Area A (a MLP would continue to be required). The Department does not consider it necessary to amend condition C35 to insert a requirement for a VMP for Area B, as: <ul style="list-style-type: none"> a separate Biobank Agreement has been established to manage the ecological values of Area B condition F16 requires the preparation of a VMP for Area B in the event that any credits are retired on lands outside the application site. Although not requested by the Applicant, the Department recommends amendment of C36 to ensure consistency with modified C35.
<p>Demolition</p> <ul style="list-style-type: none"> Condition E7 requires work plans prior to works. 	<ul style="list-style-type: none"> Amend E7 to replace 'Certifier' with 'Council'. 	<ul style="list-style-type: none"> E7 amendment agreed. Under proposed changes to C2 above, no CC or SWC would not be required for demolition, and therefore no Certifier would be involved with demolition. However, the Department

Existing condition	Modified condition	Department's consideration
		<p>recommends amendment of E7 to specify 'Planning Secretary'.</p>
<p>Contributions</p> <ul style="list-style-type: none"> Condition F2 requires the payment of section 7.11 contributions in accordance with Council's Contributions Plan 2019 and that payment is made prior to a SWC. 	<ul style="list-style-type: none"> Amend F2 to require payment be made to Council 'for each lot in each stage of the development' prior to the issue of a SWC. 	<ul style="list-style-type: none"> F2 amendment agreed. Administrative change to condition to ensure payment is linked to the staged delivery of lots within the development. Council did not raise concerns with the amendment.
<p>Bushfire protection</p> <ul style="list-style-type: none"> Condition F8 requires site access to be constructed in accordance with layout approved under 'Part A' of the consent. Condition F12 requires the NSP be constructed prior to the 'sale' of any lots. Condition F13 requires bushfire signage be installed prior to 'release of subdivision certificate'. 	<ul style="list-style-type: none"> Amend F8 to delete reference to 'Part A' as the approved layout is no longer listed under 'Part A' of the consent. Amend F12 to change the timing of the construction of the NSP to prior to the 'SWC for the release of residential lots', as the NSP is only essential prior to residents occupying buildings. Amend F13 to change the timing of the installation of signage to prior to 'Occupation Certificate (OC) of any building', to be consistent with amendments to F12 (above). 	<ul style="list-style-type: none"> F8 amendment agreed. Administrative change to F8 to refer to the layout approved under the consent. F12 amendment agreed. The delay of the construction to NSP to prior to SWC for the release of lots would not have any adverse impacts. F13 amendment agreed. The delay of the installation of signage to prior to OC of any building would not have any adverse impacts. Council and RFS did not raise concerns with the amendments to F8, F12 and F13.
<p>Registration of easements</p> <ul style="list-style-type: none"> Condition F26 requires easement(s) for services, rights of carriageway and restrictions as to user. Specifically: <ul style="list-style-type: none"> F26(e)(i) relates to design of slabs and footings consistent with stormwater 	<ul style="list-style-type: none"> Amend F26 as follows: <ul style="list-style-type: none"> delete F26(e)(i) as superseded by updated stormwater management plan amend F26(e)(v) to require temporary APZ in accordance with the updated staging amend F26(e)(vii) to remove 	<ul style="list-style-type: none"> F26(e)(i) deletion agreed. Administrative change to reflect the subdivision staging. F26(e)(v) amendment agreed. Administrative change to reflect the subdivision staging, which incorporate APZ locations and widths. F26(e)(vii) amendment agreed. Administrative change to remove reference to the VMP from 'Area A'

Existing condition	Modified condition	Department's consideration
<p>requirements</p> <ul style="list-style-type: none"> - F26(e)(v) relates to the temporary APZ locations - F26(e)(vii) relates to landscaping in 'Area A' being consistent with the VMP - F26(e)(xiii) relates to restriction to vehicle access to Lots 106-108. 	<p>requirement for 'Area A' consistency with a VMP (see C35)</p> <ul style="list-style-type: none"> - amend F26(e)(xiii) to refer to the updated lot numbers (1001-1003). 	<p>(See C35).</p> <ul style="list-style-type: none"> • F26(e)(xiii) amendment agreed. Administrative change to refer to updated subdivision plan lot numbers. • Council did not raise concerns with the amendments to F26.
<p>Plan references</p> <p>Conditions C12, F11 and Appendix 1 include plan and report references.</p>	<ul style="list-style-type: none"> • Amend C12, F11 and Appendix 1 to update plan and report references consistent with the modification application. 	<ul style="list-style-type: none"> • C12, F11 and Appendix 1 amendments agreed. Administrative changes to include the updated modification plan and report references.

6 Evaluation

99. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, advice from government agencies, Council and public feedback, and strategic government policies and plans.
100. The Department's assessment concludes that the proposed modification is acceptable as:
- the expansion of site development area and associated vegetation impacts are justified, would not have an impact on the Biobank area and the biodiversity offset credits are appropriate
 - the modified / enlarged drainage reserve basins are necessary to ensure the establishment of an appropriate stormwater strategy, and the design has been developed in consultation with Council
 - technical analysis submitted with the modification demonstrates that the proposal would not impact GDE, and controls requiring monitoring of GDE are no longer necessary. Notwithstanding, the Department recommends conditions requiring ongoing water monitoring
 - approach to water quality targets is acceptable on-balance and necessary to achieve an appropriate overarching stormwater strategy. New water sensitive urban design conditions are proposed to manage and mitigate impacts
 - reconfiguration, alteration, amalgamation and reduction of lots and amendments to roads and public open spaces result in a well-considered subdivision layout and supports the provision of diverse community
 - the revised Staging Plan provides for lots, infrastructure and amenities in an appropriate order. The Department has not supported staging amendment(s) without a future application
 - the proposed amendments to the conditions of the Subdivision Approval are acceptable, subject to the Department's recommended amendments to address residual issues.
101. Consequently, the Department considers the modification is in the public interest and is approvable, subject to the recommended conditions of consent (**Appendix D**).

Glossary

Abbreviation	Definition
Applicant	Avid Property Group
APZ	Bushfire Asset Protection Zone
Area A / Area B	The site's division into the SDA (Area A) and bushland reserve / Biobank site area (Area B)
BAA	Biodiversity Assessment Addendum report
CC	Construction Certificate
Council	Shoalhaven City Council
CPHR	Conservation Programs, Heritage and Regulation Group of DCCEEW
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
DPIRD	Department of Primary Industries and Regional Development
DRB	Drainage Reserve Basin
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
EPL	Environment protection licence
ESD	Ecologically sustainable development
Framework	Framework for Biodiversity Offset Assessment
GDE	Groundwater Dependent Ecosystems / Species
Heritage ACH	NSW Heritage Aboriginal Cultural Heritage
the HUB	The SDCP identified (indicative) Mundamia neighbourhood hub
IPC	Independent Planning Commission

Abbreviation	Definition
LEP	Local environmental plan
NSP	Neighbourhood Safer Place
OC	Occupation Certificate
OSD	On-site detention
PA	Planning Agreement
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
PCT	Plant Community Type
RFS	NSW Rural Fire Service
RtS	Response to Submissions dated 12 August 2024
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SES	NSW State Emergency Service
SDCP	Shoalhaven Development Control Plan 2014
SPS	Sewer Pumping Station
SSD	State significant development
Subdivision Approval	The Mundamia subdivision approved on 23 December 2019 by the IPC (SSD-7169) and subsequently modified on three occasions
SWC	Subdivision Works Certificate
URA	Urban Release Area
VMP	Vegetation Management Plan
WSUD	Water Sensitive Urban Design

Appendices

Appendix A – List of referenced documents

The following key documents were relied on by the Department in its assessment and can be found at the application webpage <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-stormwater-basin-layout-staging-and-conditions-changes>:

- Section 4.55(2) Modification Application Request Mundamia
- Response to submission report and additional information
- Council’s submission and Government agency advice.

Appendix B – Statutory considerations

Section 4.15(1) of the EP&A Act

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development.

Table 9 | Consideration of the matters listed under section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department’s assessment
(a) the provision of: (i) any environmental planning instrument	The modification would not alter the consistency of the proposal with the relevant EPIs.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	Not applicable.
(iii) any development control plan	Under the State Environmental Planning Policy (Planning Systems) 2021, Development Controls Plans do not apply to SSD.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	The amendments to the PA are considered acceptable (Section 5).

Section 4.15(1) Matters for consideration	Department's assessment
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to application, the requirements for notification and fees.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed (Section 5).
(c) the suitability of the site for the development	The suitability of the site was considered in the Department's original assessment and the modification does not alter the site suitability.
(d) any submissions made in accordance with this Act or the regulations	The application was publicly exhibited (Section 4) and consideration has been given to the submissions received during the exhibition of the proposal as summarised at Section 5.
(e) the public interest	The modification would be in the public interest.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department considers the reasons given by the consent authority for the grant of the consent and the modification does not affect these reasons.

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found at section 1.3 of the EP&A Act) are provided in Table 10.

Table 10 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The modification would not result in adverse impacts to social and economic welfare of the community and does not have any adverse impacts on the State's natural or other resources.</p> <p>The increase in vegetation clearing is addressed by the modification and increase in ecosystem and species offsets (Section 5.2).</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The modification does not seek to amend the approved ESD measures.</p> <p>The revisions to the stormwater basins are necessary to ensure an appropriate site-wide stormwater strategy for the subdivision. Water quality can be managed and any impacts mitigated (Section 5.3).</p>

Object	Consideration
(c) to promote the orderly and economic use and development of land,	The revised Staging Plan provides for lots, infrastructure and amenities in an appropriate order. The Department has not supported staging amendment(s) without a future application. The modified proposal continues to represent an efficient and economic use of land consistent with the EPIs and policies under the EP&A Act.
(d) to promote the delivery and maintenance of affordable housing,	The Subdivision Approval does not include affordable housing and the modification does not propose to amend this.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The modification will not adversely affect the protection of the environment. The increase in vegetation clearing is addressed by the modification and increase in ecosystem and species offsets (Section 5.2).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any European cultural heritage values or any registered Aboriginal cultural heritage sites. Existing conditions and the Aboriginal Cultural Heritage Management Plan will manage any artefacts within undisturbed areas of the site.
(g) to promote good design and amenity of the built environment,	The modified development demonstrates a good design approach and is generally consistent with the design principles outlined in the SDCP.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Existing and proposed modified conditions would ensure the proposed works are undertaken in compliance with all relevant building codes and health and safety regulations.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 4, which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 4, which included notifying adjoining landowners and displaying the proposal on the Department's website. The Department has considered all issues raised in submissions as part of its assessment. The Department also placed the Applicant's RtS and additional information on its website and referred it to Council and relevant agencies.

Environmental Planning Instruments (EPIs)

The Department undertook a comprehensive assessment of the application against the relevant EPIs in the original assessment. The Department is satisfied that the modification does not result in any inconsistency with the EPIs.

Appendix C – Summary of approved modifications to SSD-7169

The original consent (SSD-7169) has been modified on three occasions as summarised at Table 11.

Table 11 | Summary of previous approved modifications to SSD-7169

Description	Decision-maker	Type	Date
MOD 1 Correct error in Condition A1(6)(iii) to remove Council as responsible for the Bushfire Traffic Management Plan and Emergency/ Evacuation Management Plan, and limiting Council responsibility for remaining plans.	IPC	4.55(1)	28 Nov 21
MOD 2 Replace Environment, Energy and Science Group (EESG) with the Planning Secretary as the approval authority for the Aboriginal Cultural Heritage Management Plan (ACHMP).	IPC	4.55(1)	23 Jun 23
MOD 3 Current modification application, refer to Section 2.1.	IPC	4.55(2)	Current
MOD 4 Amend the boundary between Lots 519 and 520 and amendments to condition D14 to substitute biodiversity credits that are not available on credit registers with available credits and correct the Plant Community Types listed.	IPC	4.55(1A)	20 Feb 25

Appendix D – Recommended instrument of modification

The recommended instrument of modification is available at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-stormwater-basin-layout-staging-and-conditions-changes>

Appendix E – Consolidated development consent

The consolidated development consent is available at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-stormwater-basin-layout-staging-and-conditions-changes>