

Council Reference: D26/129131
Contact Person: Justin Lamerton

25 March 2026

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

Attention: Michael Doyle

Mundamia Mod 3 – SSD- 7169
Shoalhaven City Council Response to Request for Comments

I refer to the Department of Planning, Housing, and Infrastructure (DPHI) request for comment in relation to a review of Draft Conditions of Consent for Mundamia Mod 3 over property at 58 Jonsson Rd and George Evans Rd Mundamia. The response consists of information gathered from Council's Development Planning, Strategic Planning, Floodplain Management / Water Quality, Parks and Open Space, and Biodiversity teams. Please note that a response from Council's Development Engineering Team was not available at the time of writing of this advice.

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

Council also makes reference to earlier comments / advice provided on 6th June 2024 and 26th September 2024

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

If you need further information about this matter, please contact me on [REDACTED].

Yours faithfully

Justin Lamerton
City Development
Shoalhaven City Council

Floodplain Management & Water Quality Comments / Requirements:

It is recommended that consent condition F33(b) is updated from:

“rainwater tanks in accordance with BASIX requirements. All rainwater tanks must have a 10kL volume and a minimum of 80% of roof areas contributing to the rainwater tanks”

To:

“rainwater tanks in accordance with BASIX requirements. All rainwater tanks must have a 10kL volume, **with a minimum of 5kL dedicated to retention**, and a minimum of 80% of roof areas contributing to the rainwater tanks.”

No further comments.

Development Planning Comments / Requirements:

Part C

The following references are given to ‘Construction Certificate’ within the draft determination which should also give reference to ‘or Subdivision Works Certificate’ similar to the change sought under Condition C3:

- Part C Section Title
- Condition C2
- Condition C9
- Conditions C11 to C13
- Conditions C15-C38

The concern is that the applicant could deem the above conditions as not applicable at the Subdivision Works Certificate stage, given the reference is only to ‘Construction Certificate’.

Part F

Condition F6(b) states the following:

where APZs for each lot extend outside the subject lot, a suitable legal mechanism must be provided to ensure each lot may create, and manage for the life of the development, the surrounding land as an APZ.

To ensure that the requirements listed under Condition F6(b) can be properly achieved, it is recommended that Condition F26(e)(iv) be updated to incorporate this requirement. This is especially important given the Staging Plans listed under Appendix 1 as to be approved, depict APZs along perimeter roads extending beyond the opposite kerb and gutter. Without a suitable restriction in place, this would place a maintenance burden on Council to manage this land to an APZ standard.

Strategic Planning Comments / Requirements

I believe the VPA matter is now resolved. The attached letter of offer dated 19 December 2025 is not inconsistent with Council’s resolution (MIN25.458) of 14 October 2025. As such, Council is agreeable to entering into a VPA with the developer and landowner on those terms.

Council would also be agreeable to the following condition being included in the draft consent at C3, replacing the existing.

Prior to the issuing of the first subdivision works certificate/construction certificate relating to the development approved by this consent, the Applicant must execute the Mundamia Stage 1 VPA in the same terms as the letter of offer from Jemalong Mundamia Pty Limited and Avid Property Group Pty Ltd to the Council dated 19 December 2025 (Allen Price Ref: N25489). The Applicant must carry out the development approved by this consent in accordance with this consent and the executed planning agreement. A copy of the planning agreement must be provided to the Planning Secretary within 4 weeks of execution.

With regards to draft conditions F12 & F13:

- DA20/1652 is for the construction of a community hall. This is consistent with the purpose of the facility in the Shoalhaven Contributions Plan 2019 being a community centre/hall with a possible future playgroup type use (the 'childcare' label in the Plan is a bit misleading unfortunately).
- Condition 2 of DA20/1652 clearly notes that a separate approval is required before the hall can operate as an NSP. At this stage, approval for this use has not been sought and cannot be guaranteed.
- I would be happy with two scenarios:
 - Hall being constructed, approval secured and satisfied for the NSP use and facility dedicated to Council prior to the release of any subdivision certificate for any residential lots; or
 - Hall being constructed and dedicated to Council prior to the release of any subdivision certificate for any residential lots, then developer being responsible for securing and satisfying the NSP use approval prior to the release of an occupation certificate for any building.

Council only needs a community hall; the NSP is a requirement of the consent. Based on the timing constraints and the uncertainty around the NSP approval process, the second scenario is probably more reasonable.

- As such, I am okay with the community hall approved under DA20/1652 to be constructed by the developer and dedicated to Council prior to the issue of the subdivision certificate for the first lot. The terms of construction and dedication would be covered in the VPA. It would then be the responsibility of the developer to obtain the required approval for the NSP use and undertake any further upgrades to the facility etc that may be required to satisfy the requirements of the RFS and the approval. Under the terms of the VPA, Council would be under no obligation to obtain these approvals or undertake upgrades of the community hall to an NSP standard. I would suggest the following adjustments (or similar) to draft conditions F12 & 13 to reflect this:

F12. Prior to the release of any Subdivision Certificate **for any residential lots**, the Applicant must complete the construction of the **community hall in accordance with the DA20/1652 approval and the terms of the executed planning agreement NSP. The NSP must be constructed at the Applicant's expense to the satisfaction of Council and the RFS.**

F13. Prior to the release of **an Occupation Certificate for any residential building (excluding the community hall building)**, the Applicant must **at its expense:**

- (a) **Obtain approval for the use of the community hall building as a NSP and satisfy all requirements of the approval to the satisfaction of Council and the RFS and in accordance with the terms of the executed planning agreement.**

- (b) provide and install appropriate signage at the NSP detailing the NSP's function and the risk of using George Evans Road during bushfire, to the satisfaction of Council and the RFS.

With regards to Condition F2, recommend the following minor adjustment:

- Third last paragraph – change 'ET' to 'lot'.
- Second last paragraph – the accepted letter of offer referred to at C3 above addresses this point. This part of the condition could be deleted or otherwise broadened to include the other relevant projects.

With regards to Condition F3, the proposed VPA includes works in kind elements and 7.11 offset arrangements. In my opinion this condition can be deleted as there will not be a separate works in kind agreement.

Parks and Open Space Comments / Requirements:

Proposed modified conditions of consent related to 'open space provision' are generally supported.

Council's Community Infrastructure Strategic Plan (CISP) Review has progressed considerably since the provision of the previous advice to DPHI on 23 September 2024.

As at March 2026, the Draft CISP will recommend open space embellishments under this consent be delivered in accordance with a 'district' classification (rather than 'local' classification). This finding is expected to be confirmed following public exhibition of the draft CISP in April / May 2026.

It is therefore recommended that the Proponent establish a dialogue with Council's Community Infrastructure Planning team to discuss and identify appropriate embellishments / design solutions in accordance with Shoalhaven City Council's (Draft) CISP.

Accordingly, responses to proposed modified consent conditions as drafted are as follows:

- C35A (a): Supported.
- C35A (b): Not supported. Recommendation: delete.
- C35A (c): Not supported. Recommendation: delete.
- C35A (m): Supported
- C36: Supported.

Biodiversity Comments / Requirements:

The Draft Consolidated Consent (D26/13144) has been reviewed and comments on the relevant conditions provided below.

C2. Work must not commence until a relevant Construction Certificate has been issued, with the exception of demolition work relating to existing cottages, outbuildings and sheds.

Comments:

The existing buildings may be habitat for microbats recorded onsite. These species should be protected and rescued by a suitability qualified ecologist, where required, during demolition in accordance with the Fauna Management Procedure for Vegetation Removal (condition D8). The condition currently requires this document to be prepared prior to the removal of vegetation.

It is recommended that Condition D8 be amended so that the Fauna Management Procedure is prepared before demolition of structures and removal of any vegetation and includes protocols to be implemented during demolition of existing structures.

In accordance with the updated condition C2 vegetation removal is not permitted before the issue of a construction certificate. Therefore, vegetation protection or delineation of no go areas must be in place to protect adjacent retained vegetation during demolition works. It is recommended that an additional condition be included within the Flora and Fauna Protection section (conditions E25 and E30).

Prior to the commencement of any demolition any adjacent vegetation to be retained must be protected with temporary barrier fencing or similar visible material. Fencing must be in place until all demolition works are complete.

Condition C5 to C8

Comments:

The amendments or deletion of these conditions are relying on the Monitoring Plan (Eco Logical Australia 30/10/2025) and the Hydrological Regime Assessment (Martens Consulting Engineers April 2021). These documents have been reviewed by the state department but no evidence is provided that they have been approved as an acceptable alternative to the deletion or changes to the conditions. The document must be approved before these conditions are modified. These documents have not been reviewed as part of this assessment.

The documents provided within the MOD-3 for SSD7169 do not provide any justification for the deletion of condition C8. This must be provided.

OPEN SPACE PROVISION

C35A. Prior to issue of the first Construction Certificate, an Open Space Provision report and plan must be submitted to and approved by Council. The plan must:

- (a) consider Council's draft Community Infrastructure Strategic Plan;***
- (b) classify the central Public Reserve open space as a local level open space; and***
- (c) provide for a local play space in accordance with CISP key performance measures.***

STAGE SPECIFIC LANDSCAPE AND VEGETATION MANAGEMENT PLANS

C36. Prior to the issue of each Construction Certificate for works within Stages 1 to 11, a stage specific Landscape Management Plan must be submitted to and approved by Council. The stage specific Landscape Management Plans must be consistent with the requirements outlined in the Master Landscape Management Plan and open space details approved under Conditions C35 and C35A above.

Comments: No comments

D14 Biodiversity Offset Requirements.

Comments:

There is a slight inconsistency between the credits in the amended condition and the approved report outlining credits required- *Modification 3 to the Consent for SSD 7169- Biodiversity Assessment Addendum Ecological Australia 19/12/2023.*

Table 3 of the report requires 152 credits of the to be retired for the below credit type rather than 151 specified in the modified consent.

SR594 Red Bloodwood - Hard-leaved Scribbly Gum - Silvertop Ash heathy open forest on sandstone plateaus of the lower Shoalhaven Valley, Sydney Basin Bioregion (PCT 1082)

OR

SR595 Red Bloodwood – scribbly gum healthy woodland on sandstone plateaus of the Sydney Basin Bioregion.

The number of credits required to be retired prior to Stage 4 should be 154 credits as per the table 3 rather than 153 specified in the consent.

The PCTs specified within the modified condition align with *the Consistency of retirement of Biobanking Credits owned by Sealark Pty Ltd and Conditions of Approval for Residential Subdivision, Lot 30 DP 1198692, Mundamia (SSD 7169)* by Ecoplaning 16/10/2024.

Development Engineering, Comments / Requirements:

Comments were not available at the time of issue of this response.