

7 August 2024

**HEIR ASQUITH PTY LTD V SHOALHAVEN CITY COUNCIL**  
**Land and Environment Court Appeal - Case Number 2023/00263435**  
**Development Application SF10921**  
**Inyadda Drive, Manyana – Lot 2 DP1161638; Lot 2 DP1121854; Lot 106 DP755923**

We refer to the appeal to the Land and Environment Court (“the Court”) brought by Heir Asquith Pty Ltd (“the Applicant”) against Council’s refusal of the development application **SF10921** (“the DA”) for the subdivision of Lot 2 DP1161638, Lot 2 DP1121854 and Lot 106 DP755923.

On 5 August 2024, the Applicant sought leave of the Court to amend the plans submitted with the DA. The Court granted the Applicant leave and Council now notifies the amended plans for 28 days from 7 August 2024.

**Revised Proposal:**

46-lot residential subdivision including the following development:

- Lot 1 – 61.38ha Community title lot which comprises of 57.76 ha of land for biodiversity protection purposes and 3.62ha of land which includes roads and stormwater basins;
- Lots 2-40 and 42-44 – Community Title Scheme residential lots ranging in size from 2000m<sup>2</sup> to 2840m<sup>2</sup>;
- Lot 41 – a 6.1ha Torrens title residential lot with 6000m<sup>2</sup> set aside for a dwelling and related uses with the remaining 5.5ha set aside for conservation as open space;
- Lot 45 – Proposed public reserve for a local park (2088m<sup>2</sup>) containing grave site to be dedicated to Council;
- Lot 46 – Proposed RE1 Open Space Lot (3055m<sup>2</sup>) to be acquired by Council;
- Construction of an 8m wide pavement for emergency purposes with restricted access to Curvers Drive;
- Road Construction including intersection treatments to existing public roads;
- Upgrade to Inyadda Drive including new culverts to provide flood free access;
- Indicative Building Envelope Plans to restrict buildings as a Section 88B instrument in order to protect hollow bearing and significant trees;
- Asset Protection Zones as required to meet Planning for Bushfire Protection;
- Tree removal within the development footprint;
- Protection of Hollow-bearing trees within proposed lots;
- Inter-allotment drainage;
- Bulk earthworks to facilitate road construction;
- Vegetation Management Protection works;
- Retaining walls around perimeter road No. 6;
- Stormwater and Water Quality works;
- Street tree planting;
- Proposed sewer servicing scheme including pump out system; and

- Community title management statement.

The plans and associated documents can be accessed on Council's website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) by following the **Development Application Tracking link** (Track a DA) from Wednesday, 7 August 2024 to Wednesday, 4 September 2024.

Any person during the above exhibition period may make a written submission in relation to the development application detailing reasons for objection or support (making reference to SF10921). Submissions will be accepted on or before 4 September 2024 or may be made by email to [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au). Please put the application number **SF10921** in the title.

For information on the display of submissions, obligations to declare reportable political donations, submitting pre-printed form letters and petitions refer to Council's '*Community Consultation Policy for Development Applications*' which is available on Council's website under 'Policies'.

Further enquiries on this matter should be directed to Council's City Development Directorate on 1300 293 111.

**City Development**  
**Shoalhaven City Council**