

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**MODIFICATION (MOD 2) OF DEVELOPMENT CONSENT
(DA 172-7-2005)**

**Lot 2 DP 865527 & Lot 10 DP 1015889
CNR PRINCES & KINGS HIGHWAY, BATEMANS BAY**

**SUBDIVISION OF SITE INTO 142 RURAL RESIDENTIAL LOTS AND
CONSTRUCTION OF ASSOCIATED SERVICES, INTERNAL ROADS
AND INFRASTRUCTURE**

I, Mark Schofield, A/Director, Metropolitan and Regional Projects South, as delegate of the Minister for Planning, under Instrument of Delegation dated 14 September 2011, pursuant to Section 75W of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To maintain the amenity of the local area;
- (2) To preserve the environmental attributes of the site; and
- (3) To ensure consistency with the provisions of Eurobodalla LEP 2012 and other relevant planning controls of Eurobodalla Council;



Mark Schofield
**A/Director,
Metropolitan & Regional Projects South**

Sydney,

14 / 9 / 2012

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 2 modifying DA 172-7-2005
Application made by:	Canberra Investment Corporation Ltd
On land comprising:	Lot 2, DP865527 and Lot 10, DP1015889 Kings and Princes Highway, Batemans Bay
Local Government Area	Eurobodalla
For the carrying out of:	Subdivision of the site into 142 rural residential lots and construction of associated services, infrastructure and internal roads.
Section 75W Application	To modify DA 172-7-2005 in the following manner: • Re-subdivide 6 existing lots within Stage 2A, to create 11 new lots (5 additional lots). • Modification of the building envelopes of the 11 new lots so that the siting of future dwellings is in accordance with the site planning provisions contained in Section 2.1 of the Eurobodalla Residential Zones Development Control Plan.
Development consent granted by:	Minister for Planning
On:	6 December 2006
Type of development:	State Significant Development
S.119 Public inquiry held:	No
As modified:	Mod 1 (Mod 16-3-2007) approved 25 June 2008

PART B - NOTES RELATING TO THIS MODIFICATION

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

SCHEDULE 2

MODIFICATION (MOD 2) OF DA 172-7-2005

THE DEVELOPMENT CONSENT IS MODIFIED AS FOLLOWS:

1. GENERAL MATTERS

- (i) **DELETE *Condition 1.1A Development Description* and
INSERT *Condition 1.1B Development Description* as follows:**

1.1B Development Description

Development consent is granted only to carrying out the development described below:

- a) Subdivision of Lot 2 in DP 865527 and Lot 10 DP 1015889 into 142 rural residential lots under Torrens title:-
- (i) Lot sizes – from 1,347m² to 31,811m²;
 - (ii) Building Envelopes – generally 400m² for each designated lot, with the exception of Lots 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, within stage 2A1, which will be designed in accordance with the site planning provisions contained in Section 2.1 of the Eurobodalla Residential Zones Development Control Plan;
 - (iii) Visual buffers – from 25 metres wide along the Princes and Kings Highway boundaries of the site;
 - (iv) Vegetation buffers – generally comprising 40 metres of retained vegetation on either side of the gullies containing intermittent watercourses on the site (approximately 80 metres total width);
 - (v) Phasing - to be constructed over 7 stages;
 - (vi) The construction of the Princes Highway pedestrian underpass is to be undertaken no later than Stage 3 of the development.
- b) Construction of an internal road and pedestrian/cycle network involving:-
- (i) Existing collector "spine" road running along upper north-south axis of the site known as Road No 1 and Road No 6;
 - (ii) Local access roads generally sited along the east-west ridges to the individual allotments known as Road No 2 (cul-de-sac), Road No 3 (cul-de-sac), Road No 4 (loop road), Road No 5 (cul-de-sac), Road No 7 (cul-de-sac), and Road No 8 (cul-de-sac);
 - (iii) A southern access point at the existing roundabout intersection with Old Punt Road and a northern access point in a left in/left out intersection with the Kings Highway, approximately 1.5 Kilometres north of the Princes Highway intersection;
 - (iv) Pedestrian/cyclist refuges within the roundabout of Proposed Road No1 and Old Punt Road including splitter islands, kerb blisters and suitable treatments to corral pedestrians to controlled facilities, and
 - (v) Fire trail along the eastern boundary of the site and at termination of Road No 6 towards Clyde Road.
- c) Construction and installation of the following services:-
- (i) Water supply – extension to existing reticulated system from Council water main located at the Kings and Princes Highway intersection

- for lots below RL 40m AHD and an auxiliary high zone system for lots above this level, including a reservoir and booster pump station;
- (ii) Sewerage – low pressure sewerage system for collection and transportation to the Council's treatment plant involving construction of a rising main external to the site and construction of a detention storage tank, of approximately 98 kilolitres capacity, at the receiving pump station;
 - (iii) Stormwater – a water sensitive urban design system involving construction of detention Basins A, B and C and a street and inter-allotment drainage system discharging to the natural gullies;
 - (iv) Electricity – underground reticulation of high and low voltage electrical supply, street lights at both access points on the Kings Highway only in accordance with AS/NZ 1158.3 and AS 4282 and pad mount substations; and
 - (v) Telecommunications – telephone infrastructure to be provided from Old Punt Road intersection.
- d) Provision of Asset Protection Zones for individual allotments and adjoining the vegetation reserves and vegetation/visual buffer zones.
- e) Temporary Sales Office – the design and location of the Temporary Sales Office is to be in accordance with Council's requirements.

(ii) INSERT NEW Condition 1.2.1 after Condition 1.2A as follows:

1.2.1 Approved Modifying Plans and Supporting Documentation

The development shall be in accordance with the request to modify Development Application number DA 172-7-2005 submitted by the applicant to the Department on 21 August 2012 and in accordance with the following, except where amended by other conditions of this development consent:-

Planning Report prepared by David B Seymour of urPlan, dated August 2012			
Consultant Studies (contained in Appendices of the Planning Report);			
Document Title	Author	Ref No	Date
Appendix A - Pressure Sewerage System Increased Density in Apple Berry Place	Pressure Sewer Solutions Pty Ltd	-	28 May 2012
Appendix B - Stormwater Drainage for Additional Lots at Apple Berry Place	GHD	23/14123/67945	6 June 2012
Subdivision and Site Plans prepared by GHD			
Drawing No.	Revision	Name of Plan	Date
23-11848-C001	K	Site Plan – APZ, Contours, Trees with Hollows	6 August 2012
Subdivision Layout and Survey Plans prepared by Conway Burrows + Hancock Consulting Surveyors, Project No 10703			
Drawing No.	Revision	Name of Plan	Date
10703B-1A	A	Amended Subdivision Layout	30 July 2012
10703B-2A	A	Subdivision	30 July 2012

		Layout – Slope Analysis	
Services Plan prepared by GHD			
Drawing No.	Revision	Name of Plan	Date
23-11848-C200	I	Services Plan – Proposed Services Sheet 1 of 4	6 August 2012