

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 1) OF DEVELOPMENT CONSENT (DA 277-11-2004)

Lots 5, 6 and 15 in DP 25550
74 & 92 ISLAND POINT ROAD, ST GEORGES BASIN

SUBDIVISION OF SITE INTO 44 RURAL RESIDENTIAL LOTS AND CONSTRUCTION OF ASSOCIATED SERVICES, INTERNAL ROAD AND INFRASTRUCTURE

(File No. S08/00696-1)

I, Chris Wilson, Executive Director, Major Project Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 19 December 2007, pursuant to Section 96 (1a) 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 ensure the provision of adequate infrastructure;
- (3) To ensure bushfire hazards are adequately mitigated;



Chris Wilson
Executive Director,
Major Project Assessments

Sydney, 19 January

2009

SCHEDULE 1

PART A—TABLE

Application Number:	DA 277-11-2004 Mod 1
Application made by:	Allen, Price and Associates
On land comprising:	Lots 5, 6 and 15 in DP 25550 74 & 92 Island Point Road, St Georges Basin
Local Government Area	Shoalhaven
For the carrying out of:	Subdivision of the site into 44 residential lots and construction of associated services, infrastructure and internal road.
Section 96 (1A) Application	To modify DA 277-11-2004 in the following manner: • Allow for staging • Delete deferred commencement condition • Reduce lot numbers • Alter Asset Protection Zones • Alter stormwater drainage strategy
Development consent granted by:	Minister for Planning
On:	6 November 2006
Type of development:	State Significant Development
S.119 Public inquiry held:	No
As modified:	No previous modifications

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT No. 277-11-2004

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 for a development application, within 3 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 1 OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION DA277-11-2004

THE DEVELOPMENT CONSENT IS MODIFIED AS FOLLOWS:

1. **PART A - DEFERRED COMMENCEMENT REQUIREMENTS**

(i) **DELETE *Part A***

(ii) **PART B - ADMINISTRATIVE CONDITIONS**

**DELETE *Condition B1 Development in Accordance with Plans* and
INSERT *Condition B1 Development in Accordance with Plans* as follows:**

B1 Development in Accordance with Plans

The development shall be in accordance with development application number 277-11-2004 submitted by the Applicant on 11 November, 2004, and in accordance with the following:

Flora, Fauna, and bushfire Studies provided by BES Bushfire and environmental dated 7 June, 2006s		
Drawing No	Name of Plan	Date
24285-01- Revision G	Plan showing proposed residential subdivision over Lots 6 & 15 DP 25550 at Island Point Road, St Georges Basin for Southern Land Nominees	November 2004 as amended 6 January 2009

except as modified by any condition in this consent.

(iii) **INSERT *Condition B5 Staging* as follows:**

B5 Staging

The development is to be staged as follows:

Stage 1:

- Construction of all roads, drainage easement and infrastructure and all other infrastructure associated with the entire development;
- creation of Lots 1, 3-15, 29-32 and 43-47,
- creation of the restriction as to user (vegetation preservation) over Lots 1, 3-15, 29-32 and 43-47, and
- creation of the Asset Protection Zone and Section 88B instrument (required by Condition F7) over the proposed lots within Stage 1 and the residual lot containing the future Stage 2 land.

Stage 2:

- Creation of Lots 16-26 and 33-42,
- creation of the restriction as to user (vegetation preservation) over Lots 16-26 and 33-42, and

- amendment of the Section 88B instrument as required by Condition F7 for the Stage 2 lots.”

(iv) **PART C – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

DELETE Condition C2 Drainage and
INSERT Condition C2 Drainage as follows:

C2 Drainage

The provision of roads and drainage and the piping of drainage easements (except in the location of overland flow paths where piping is unnecessary) including interallotment drainage shall be in accordance with Council’s Subdivision Code.

The drainage along the eastern boundary of the site shall include both piped drainage and an overflow channel for flows up to the 100 year event. Drainage from the eastern catchment shall be discharged to Council’s existing stormwater system and incorporate on-site detention/retention to limit flows up to the 100 year event to flows that do not exceed downstream system capacity (making an allowance for existing and proposed developments in the catchment) to Shoalhaven City Council’s satisfaction. The piped drainage and overland flow paths shall be contained within drainage easement(s) in accordance with Condition C3.

Drainage from the western catchment shall be discharged to Council’s existing piped stormwater system and shall incorporate the necessary upgrading of the existing downstream drainage and/or on-site detention/retention to limit flows up to the 100 year event to flows that do not exceed downstream system capacity (making an allowance for existing and proposed developments in the catchment to be approved by Shoalhaven City Council). Details of proposed measures are to be provided to the Certifying Authority prior to the issue of a Construction Certificate. The piped drainage and overland flow paths shall be contained within an easement in accordance with Condition C3.

- (v) **DELETE Condition C3 Drainage Easements** and
INSERT Condition C3 Drainage Easements as follows:

C3 Drainage Easements

Evidence of any easements for drainage and sewer through adjacent lands shall be submitted to Council prior to the works commencing. The easements for drainage through the adjacent lands shall be provided with appropriate drainage infrastructure (pipes and /or overland flow paths) to cater for the 100 year discharge from the catchment above, including uphill of the site, including the allowance for 50% blockage. Details of proposed measures are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. The terms of the easements shall be approved by Shoalhaven City Council and shall ensure that any drainage infrastructure including overland flow paths are adequately protected from modification.

- (vi) **DELETE Condition C11 Threatened Species Corridor** and
INSERT Condition C11 Threatened Species Corridor as follows:

C11 Threatened Species Corridor

A corridor of a minimum of 15 metres in width shall be provided on the western boundary of the site. This shall be designed by a qualified environmental consultant to ensure spacing and type of trees is suitable for the yellow bellied glider, and an arborist to ensure the selection of suitable trees in terms of safety. This corridor shall be incorporated into Lots 3-9 and be expressed by an 88B Instrument. Details are required to be provided to the PCA prior to the issue of the construction certificate.

(vii) **PART F PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

DELETE Condition F5 Monetary Contributions and
INSERT Condition F5 Monetary Contributions as follows:

F5 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

This development will generate a need for additional services and/or facilities as described in Council's Contributions Plan 1993, as itemised in the following table.

Project	Description	Rate	Stage 1 (23 lots) calculate with 1 free lot	Stage 2 (21 lots) calculate with 1 free lot	TOTAL
01FIRE0009	City Wide – fire control/state emergency services	\$33.71	\$741.62	\$674.20	\$1,415.82
03AREC0001	Tennis, Football, Cricket, Basketball, & Netball (Area 3)	\$2,010.25	\$44,225.50	\$40,205.00	\$84,430.50
03AREC0003	Amend. No. 17 Basin Leisure Centre	\$510.63	\$11,233.86	\$10,212.60	\$21,446.46
03CFAC0001	S.94 CP AMENDMENT No. 67 – Bay and Basin District Community Centre and Branch Library	\$745.35	\$16,397.70	\$14,907.00	\$31,304.70
03CFAC0001	S.94 CP AMENDMENT No. 67; Bay and Basin District Recreational & Cultural Hall (Vincentia HS)	\$17.92	\$394.24	\$358.40	\$752.64
03FIRE0001	St Georges Basin – fire control	\$83.44	\$1,835.68	\$1,668.80	\$3,504.48
03ROAD0021	Amend No. 29. St GEORGES BASIN – Construct Bypass	\$642.21	\$14,128.62	\$12,844.20	\$26,972.82
CWAREC0003	Hockey Facilities	\$243.86	\$5,364.92	\$4,877.20	\$10,242.12
CWCFAC0001	S94 CP AMENDMENT No. 67: Stage 1: Shoalhaven City Library Extensions	\$275.27	\$6,055.94	\$5,505.40	\$11,561.34
CWCFAC0001	S94 CP AMENDMENT No. 67: Stage 2: Shoalhaven City Arts Centre	\$24.90	\$547.80	\$498.00	\$1,045.80
CWCFAC0001	S94 CP AMENDMENT No. 67: Stage 3: Shoalhaven Mobile Children's Services	\$8.16	\$179.52	\$163.20	\$342.72

Project	Description	Rate	Stage 1 (23 lots) calculate with 1 free lot	Stage 2 (21 lots) calculate with 1 free lot	TOTAL
CWCFAC002	Shoalhaven Multi Purpose Cultural and Convention Centre		\$10,043.66	\$9,130.60	\$19,174.26
CWMGT0001	Project Management Costs	\$456.53			
CWOREC0001	Embellishment of Icon and District Parks and Walking Tracks	\$206.95	\$4,552.90	\$4,139.00	\$8,691.90
			\$3,511.42	\$3,192.20	\$6,703.62
MACFAC0001	Northern Shoalhaven Integrated Children's Services Cnr of Osborne and Worrigee Street, Nowra New Project	\$159.61	\$982.52	\$893.20	\$1,875.72
MACFAC0002	S.94 CP AMENDMENT No. 67: Northern Shoalhaven Community Transport and Family Support Services Park Road, East Nowra, New Recoupment Project	\$44.66	\$281.38	\$255.80	\$537.18
Total		\$12.79			
			\$120,477.28	\$109,524.80	\$230,002.08

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment**. (i.e. contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent.)

A total contribution, currently assessed at the sum of \$230,002.08 (i.e. 2008/2009 rate) or as indexed in future years shall be paid to Council before the issue of a subdivision certificate.

Contributions Plan 1993 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

(viii) **INSERT Condition F7 Creation of Easement - APZ as follows:**

F7 Creation of Easement – APZ

A Section 88B restriction as to user shall be placed over the portion of Lots 3, 26 and 29-37 that are affected by the 25m Asset Protection Zone shown on the approved plans. The restriction shall require that the affected area shall be maintained as an inner protection area as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush fire Protection 2006*. The Section 88B instrument is to be created such that it cannot be removed without the approval of Shoalhaven City Council and the NSW Rural Fire Service."

(ix) **DELETE Condition I3 Bushfire Safety Authority and
INSERT Condition I3 Bushfire Safety Authority as follows:**

I3 Bushfire Safety Authority

The New South Wales Rural Fire Service has granted a Bushfire Safety Authority subject to the following conditions:

1. At the commencement of building works and in perpetuity, an asset protection zone of 25metres adjoining the southern property boundary, shall be maintained

as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's *Standards for asset protection zones*.

2. A Section 88B restriction as to user shall be placed on all lots within the subdivision that the lots cannot be sold until they are hazard reduced so that all proposed lots have the vegetation managed as an Outer Protection Area as outlined within Section 4.2.2 in *Planning for Bushfire Protection, 2001*. The Section 88B restriction to user shall also include that the land is to be maintained as an Outer Protection Area until development occurs.
3. A Bushfire Management Plan is to be prepared for the Linear Corridors shown on the Proposed Residential Subdivision Plan prepared by Allen, Price, and Associates (REF. No. 24285-01 REVISION 'D' Dated 8 June 2006, amended 09.01.09 (Revision G) to ensure that these vegetated areas are not able to generate into a bushfire hazard.
4. The location of fire hydrants shall comply with the distances detailed in Section 6.4.3 of *Planning for Bushfire Protection 2001*. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
5. All roads 8 metres wide shall locate services outside of parking reserves to ensure accessibility to reticulated water for fire suppression.
6. All roads between 8 metres and 7 metres wide shall be No Parking on one side with services (hydrants) located opposite parking sides to ensure accessibility to reticulated water for fire suppression.
7. All roads between 7 metres and 5.5 metres wide shall provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
8. Two way roads shall be a minimum of 5.5 metres wide.
9. Parking bays shall be a minimum of 2.6 metres wide from kerb edge to road pavement. No services or hydrants are to be located within the parking bays.
10. All roads directly interfacing the bushfire hazard vegetation shall provide layback kerbing to the hazard side of the road.
11. All provisions detailed within Section 4.3.1 of *Planning for Bushfire Protection 2001*, other than those modified by the above provisions, shall be complied with.
12. Property access to proposed Lot 9 shall comply with the road with, curve and grade requirements of Section 4.3.2 of *Planning for Bushfire Protection 2001*.

Details must be provided on the Construction Certificate plans.

Reason: To ensure the proposed subdivision complies with the requirements of 'Planning for Bushfire Protection' and the integrated development provisions of the Act.