



16 March 2012  
Our Ref: 6376B.34DK

The Director-General  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney 2000

Attention: Michael File

Dear Michael

**Vincentia – Exempt and Complying Development Controls and Order  
Section 75W Modification to Major Projects Approval MP 06\_0060**

**1.0 Introduction**

We refer to the Concept Plan and Project approvals for Vincentia and the Order made on 9 July 2008 by the Minister under Section 75P (2) (d) of the Environmental Planning and Assessment Act (EP&A Act) 1979 declaring certain development as either exempt development or complying development on the Vincentia site.

We refer also to our letter of 13 September 2011 (**attached**) which foreshadowed the possibility of removing the Order and making consequential amendments to the Concept Plan approval to simplify the planning controls applying to exempt and complying development at Vincentia.

Stockland has decided to commence the process of removing the Order and consequential amendments. As set out in our letter of 13 September 2011, the Order and the accompanying Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 are referenced in three locations including:

1. The Order;
2. Major Development SEPP (Schedule 3); and
3. The Concept Plan Approval.

Three separate and concurrent processes are necessary to effect the removal of the Order being:

1. The revoking of the Order dated 9 July 2008 which identifies exempt and complying development;
2. Amendment of the Major Development SEPP to remove the references to the Exempt and Complying Development Controls - Vincentia Coastal Village in Schedule 3; and
3. An amendment to the Concept Plan Approval, the details of which are set out in this letter.

Don Fox Planning has prepared this letter to accompany an application under Section 75W of the EP&A Act to amend the Concept Plan approval. The remaining two processes (revoking of



the Order and amendment of the Major Development SEPP) are processes that the Department will need to undertake concurrent with the Section 75W application.

## **2.0 Proposed Modification**

The Concept Plan Approval will need to be amended under Section 75W as follows:

1. Deletion of Modification B3 to Schedule 2 of the Approval;
2. Amendment of the Statement of Commitments.

### ***Deletion of Modification B3 to Schedule 2***

Modification B3 was added to the Concept Plan approval on 11 December 2009 to reflect the making of the Order. This Section 75W Modification proposes to delete Modification B3.

Modification B3 sets out the planning controls and guidelines that a certifier or consent authority would need to refer to when issuing a complying development certificate or determining a development application. Modification B3 refers to the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008, the Bayswood Design Essentials and Shoalhaven Development Control Plan No. 91.

With the removal of the Order and the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 there is no further need to retain Modification B3 for the following reasons:

- The references to the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 would not be required as the NSW Housing Code (or Shoalhaven LEP) would become the relevant planning instrument to consider when issuing a complying development certificate.
- If a complying development certificate is issued under either the NSW Housing Code or the Shoalhaven LEP, then a reference to DCP 91 is not relevant in order to issue such a certificate.
- If a proposed dwelling house does not satisfy the criteria for complying development under either the NSW Housing Code or Shoalhaven LEP/DCP, then a development application under Part 4 of the EP&A Act would be required and assessed under Shoalhaven DCP.

It is therefore proposed to delete Modification B3 from the approval. A consequential amendment of the deletion of Modification B3 is the removal of the references to the Bayswood Design Essentials in the Statement of Commitments.

### ***Amendment of the Statement of Commitments***

**Attachment 2** to this letter contains a consolidated version of the amendments made to the Statement of Commitments through earlier Section 75W modifications. The Statement of Commitments document has been edited using track changes to highlight the amendments forming part of this Section 75W modification.

The main modifications are:

- Amendment of Commitment No.14 to delete the reference to the content of the Design Guidelines. The removal of the Order and the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 will mean the built form controls are controlled through other planning policies (e.g. NSW Housing Code or a DCP). A Design Guideline will be retained by Stockland for aesthetic matters such as colours, materials,



landscaping etc (which is no different to many other subdivisions undertaken by Stockland or other large housing development companies). The amendment of the Statement of Commitments to remove built form controls such as setbacks will avoid potential inconsistencies and confusion between the Design Guidelines, NSW Housing Code and Shoalhaven DCP.

- Amendment of Commitment No. 15 to insert an additional sentence to require such restrictive covenant to nominate Stockland and Shoalhaven City Council as the benefiting party (this corresponds with the deletion of Commitment 15(b)).
- Amendment of Commitment No. 15(a) to delete the second bullet point in relation to building setback, secondary building line and rear setback. These will be controlled through the NSW Housing Code of the Shoalhaven DCP. The option of a covenant relating to zero lot lines will be retained.
- Deletion of Commitment No. 15(b) as this is now covered under amended Commitment No. 15.
- Amendment of Commitment No. 76a to delete the reference to the Bayswood Design Essentials document dated 10 December 2009.

### **3.0 Reasons for the Proposed Modification**

As you are aware, since the making of the Order, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 commenced on 27 February 2009. The SEPP introduced complying development provisions for detached housing in the form of the General Housing Code. Since its commencement the SEPP has been amended on several occasions and of most relevance has been the application of the General Housing Code for small lots.

The Order which references the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 ("Stockland Code") has applied to the site for the last 3 years. These controls are also duplicated in the Design Essentials produced by Stockland.

The SEPP (Exempt and Complying Development Codes) 2008 commenced shortly after the Order and Stockland Code became effective. The commencement of the SEPP has caused confusion as to which set of exempt and complying development controls apply to the site.

In addition, if a dwelling house is not capable of being complying development under any one of the above three options, then a development application would be necessary, introducing a fourth approvals pathway.

The majority of development occurring in the residential zone is for the construction of new detached housing. The above planning framework could cause confusion to the 'mum and dad' home builders who should not be expected to understand such a planning framework or the options that lie within.

The planning framework that has emerged has the real potential of causing confusion. We therefore believe that a much simpler approach would be the removal of the Order and instead reliance upon the General Housing Code or the Council's controls. This approach is consistent with the remainder of NSW and in line with the State Government's objectives for simplifying and speeding up approval processes for new housing.

### **4.0 Planning Implications and Consistency with the Concept Plan Approval**

We do not foresee any adverse planning implications of the proposed removal of the Order and the site specific exempt and complying development controls.



The complying development standards of the Stockland Code and the General Housing Code under SEPP (Exempt and Complying Development) have a lot of similarity. From our comparison of the controls in the SEPP (NSW Housing Code) with the Stockland Code we have identified the following main differences:

1. The SEPP contains a maximum floor area for different lot types. The Stockland Code does not contain such a control. Adopting the SEPP NSW Housing Code is therefore more restrictive.
2. Setback controls operate differently however adopting the SEPP will be more restrictive in most circumstances than the Stockland Code.
3. Amenity controls in relation to privacy operate differently under the two policies and are slightly less restrictive under the SEPP, however the outcomes are similar.
4. Landscaped area control is greater in SEPP, than in Stockland's Code.

These differences do not undermine the built form outcome likely to eventuate under the Stockland Code.

The main areas of similarity we identified were:

1. Building line
2. Use of articulation zone
3. Setback of garages
4. Controls relating to width of garages
5. Maximum building height
6. Retaining walls

These similarities reinforce that the SEPP and Stockland Code will produce a similar built form outcome achieving consistency with the intent of the Concept Plan approval insofar as it related to establishing a complying development regime and built form controls for the site.

Approval of the Section 75W modification, revoking of the Order and amendment of the Major Development SEPP will mean that new housing or alterations or additions to existing houses would be controlled under either the NSW Housing Code or the Council's Exempt and Complying Development Controls (until such time as they have no effect), or a DA. This approach removes multiple planning controls and the potential for confusion.

## 5.0 Owners Consent

Clause 8F(1)(e) of the Environmental Planning and Assessment Regulation 2000 requires that owners consent be obtained unless *"the application relates to a project on land with multiple owners designated by the Director-General for the purposes of this clause."*

A delegate of the Director-General has designated under clause 8F(1)(e) of the Regulations that landowners consent is not required for this project which involves multiple land owners. A copy of the DP&I's letter is found at **Attachment 3**.

The letter and the Clause 8F(3)(d) of the Regulations require that the applicant is required to give notice of the application to the owners of the land *"at any time before the application is made."* Stockland has sent a letter to the land owners within the Bayswood subdivision advising owners of the application. A copy of that letter and a table of the addressees is found at **Attachment 4**.



## 6.0 Conclusion

The Order and the associated Exempt and Complying Development Controls - Vincentia Coastal Village was relevant at the time they were made and have served a useful purpose.

However, since the introduction of the General Housing Code under SEPP (Exempt and Complying Development Codes) 2008 a site specific set of controls to facilitate complying development has little or no additional benefit over the State wide controls.

The removal of the Order and the associated Exempt and Complying Development Controls - Vincentia Coastal Village will remove a layer in the multiple controls that apply to the site. The options that would be available to a home builder in terms of exempt and complying development would be the same as for the remainder of NSW, providing consistency in approach.

The removal of the Order and associated amendment to the Major Development SEPP and Concept Plan approval will retain consistency with the Concept Plan approval.

We therefore consider that the Section 75W modification and accompanying removal of the Order and Major Development SEPP will simplify the planning controls applying to the site.

Should you have any enquiries regarding this letter please contact David Kettle on 9980 6933.

Yours faithfully

**DON FOX PLANNING PTY LIMITED**

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**DAVID KETTLE**  
**PARTNER**

dkettle@donfoxplanning.com.au

Reviewed: \_\_\_\_\_

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Attachment 1: DFP letter to DP&I dated 13 September 2011

Attachment 2: Amended Statement of Commitments with changes highlighted

Attachment 3 DP&I Letter dated 25 January 2012

Attachment 4 Stockland letter to residents of Bayswood dated 14 February 2012 and distribution list.



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# ATTACHMENT I



13 September 2011  
Our Ref: 6376B.30DK

The Director-General  
Department of Planning  
GPO Box 39  
Sydney 2000

Attention: Michael File

Dear Michael

**Vincentia – Exempt and Complying Development Controls / Order  
Major Projects Approval MP06\_0058 and MP 06\_0060**

We refer to the Concept Plan and Project approvals for Vincentia and the Order made on 9 July 2008 by the Minister under Section 75P (2) (d) of the Environmental Planning and Assessment Act 1979 declaring certain development as either exempt development or complying development on the Vincentia site.

The purpose of this letter is to commence discussions about removing the Order and making consequential amendments to the Concept Plan approval to simplify the planning controls applying to exempt and complying development at Vincentia. The discussion in this letter relates primarily to the construction of a new dwelling house being the main development activity occurring in the residentially zoned land.

**1.0 Planning Framework**

As you are aware, since the making of the Order, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 commenced on 27 February 2009. The SEPP introduced complying development provisions for detached housing in the form of the General Housing Code. Since its commencement the SEPP has been amended on several occasions and of most relevance as been the gradual application of the General Housing Code to small lots.

For the last 2 ½ years there have been two legislative frameworks potentially applying to the land at Vincentia in relation to exempt and complying development being:

1. The Order which references the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 ("Stockland Code"). These controls are also duplicated in the Design Essentials produced by Stockland; and
2. SEPP (Exempt and Complying Development Codes) 2008.

In addition, the SEPP provides applicants with the choice of using either the provisions of the SEPP or the local Shoalhaven provisions in their LEP/DCP.



Therefore there are three policy documents that an applicant could use to determine whether a proposed dwelling house is either exempt or complying development (the Order, the SEPP or local provisions).

In addition, if a dwelling house is not capable of being complying development under any one of the above three options, then a development application would be necessary, introducing a fourth approvals pathway.

The majority of development occurring in the residential zone is for the construction of new detached housing. The above planning framework could cause confusion to the 'mum and dad' home builders who should not be expected to understand such a planning framework or the options that lie within.

The planning framework that has emerged has the real potential of causing confusion. We therefore believe that a much simpler approach would be the removal of the Order and reliance upon with the General Housing Code within the SEPP or the Council's controls. This approach is consistent with the remainder of NSW and in line with the State Government's objectives for simplifying and speeding up approval processes for new housing.

## **2.0 Planning Implications**

We do not foresee any adverse planning implications of the proposed removal of the Order and the site specific exempt and complying development controls.

The complying development standards of the Stockland Code and the General Housing Code under SEPP (Exempt and Complying Development) have a lot of similarity. In our letter to you dated 12 May 2009 we compared the controls in the SEPP (General Housing Code) with the Stockland Code. The main differences we identified were:

1. The SEPP contains a maximum floor area for different lot types. The Stockland Code does not contain such a control. Adopting the SEPP Housing Code is therefore more restrictive.
2. Setback controls operate differently however adopting the SEPP will be more restrictive in most circumstances than the Stockland Code.
3. Amenity controls in relation to privacy operate differently under the two policies and are slightly less restrictive under the SEPP, however the outcomes are similar.
4. Landscaped area control is greater in SEPP, than in Stockland's Code.

These differences do not undermine the built form outcome likely to eventuate under the Stockland Code.

The main areas of similarity we identified were:

1. Building line
2. Use of articulation zone
3. Setback of garages
4. Controls relating to width of garages
5. Maximum building height
6. Retaining walls

These similarities reinforce that the SEPP and Stockland Code will produce a similar built form outcome.



In the future our suggestion is implemented, it will mean that alterations or additions to existing houses would be controlled under either the General Housing Code or the Council's Exempt and Complying Development Controls (until such time as they have no effect), or a DA. Our suggestion removes the potential for confusion for alterations and additions being controlled via the Stockland Code.

### **3.0 What needs to happen?**

We have investigated what steps need to occur to remove the Order and the accompanying Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008. The Exempt and Complying Development provisions for Vincentia (and/or the Design Essentials) are referenced in three locations including:

1. The Order;
2. The Concept Plan Approval; and
3. Major Development SEPP (Schedule 3).

#### **1. The Order**

The Order will need to be revoked to remove the Exempt and Complying Development Controls - Vincentia Coastal Village, dated 8 July 2008 as being the document that identifies what is either exempt or complying development.

We seek your advice as to how to commence the process of revoking the Order.

#### **2. The Concept Plan Approval**

The Concept Plan Approvals will need to be amended under Section 75W as follows:

1. Modification B3 to Schedule 2 of the Approval will need to be amended accordingly; and
2. The Preferred Project Report – Section 4.3 – Exempt and Complying Development and - Section 5 – Subsequent Applications will need to be amended for consistency; and
3. The Statement of commitments will need to be reviewed for consistency.

#### **3. Major Development SEPP**

The *Exempt and Complying Development Controls—Vincentia Coastal Village* are referenced in Schedule 3 (part 27) of the SEPP. Essentially the provision states that development specified in the Controls is exempt and complying development if it meets the stated requirements.

We understand that The Exempt and Complying Development Codes SEPP provides that where controls specify the *same development* the other policy does not apply. The Exempt and Complying Development Codes SEPP might prevail over the Major Development SEPP, in which case nothing needs to be done. However, given that the Major Development SEPP is currently being amended, it would seem appropriate to co-ordinate its amendment to remove the references to the Exempt and Complying Development Controls - Vincentia Coastal Village to avoid confusion and provide clarity.

We therefore seek your opinion as whether the Major Development SEPP requires amendment and how to commence that process given that the SEPP is currently being amended.

### **4.0 Conclusion**

The Order and the associated Exempt and Complying Development Controls - Vincentia Coastal Village was relevant at the time they were made and have served a useful purpose.



However, since the introduction of the General Housing Code under SEPP (Exempt and Complying Development Codes) 2008 a site specific set of controls to facilitate complying development has little or no additional benefit over the State wide controls.

The removal of the Order and the associated Exempt and Complying Development Controls - Vincentia Coastal Village will remove a layer in the multiple controls that apply to the site. The options that would be available to a home builder in terms of exempt and complying development would be the same as for the remainder of NSW, providing consistency in approach.

Stockland would like to organise a meeting to further discuss the proposed approach in particular the following

1. The request to revoke the Order
2. A Section 75W application to modify the Concept Plan approval
3. Amendment of the Major Projects SEPP

Should you have any enquiries regarding this letter please contact David Kettle on 9980 6933.

Yours faithfully

**DON FOX PLANNING PTY LIMITED**

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**DAVID KETTLE  
PARTNER**

dkettle@donfoxplanning.com.au

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**Reviewed:** \_\_\_\_\_



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# ATTACHMENT 2



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## **CONCEPT PLAN FOR VINCENTIA COASTAL VILLAGE AND PROJECT APPLICATION FOR 604 LOT SUBDIVISION**

### **MAJOR PROJECTS MP 06\_0060 & MP 06\_0058**



#### **AMENDED STATEMENT OF COMMITMENTS**

Prepared by: Stockland Developments Pty Ltd  
Date: December 2006

Amendments by: Don Fox Planning Pty Ltd  
On behalf of: Stockland Developments Pty Ltd  
Date: August 2007

Amendments by: Don Fox Planning Pty Ltd  
On behalf of: Stockland Developments Pty Ltd  
Date: November 2007

Amendments by: Don Fox Planning  
On behalf of: Stockland Developments Pty Ltd  
Date: February 2011

Amendments by: Don Fox Planning  
On behalf of: Stockland Developments Pty Ltd  
Date: February 2011

Amendments by: Don Fox Planning  
On behalf of: Stockland Developments Pty Ltd  
Date: March 2012



Printed: 14 March 2012  
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Project Manager: David Kettle  
Client: Stockland Development Pty Ltd  
Project Number: 6376B

## Document history and status

Version	Issued To	Qty	Date	Reviewed
Draft	Project Manager	1	26/10/07	David Kettle
Draft	Stockland	1 pdf	26/10/07	David Kettle
Draft	Project Manager	1	30/10/07	Paul Grech
Draft	Department of Planning	1 pdf	31/10/07	David Kettle
Final	Department of Planning	5	19/11/07	David Kettle
	Stockland	1		
Final	Department of Planning	1-e	1/2/2011	David Kettle
	Stockland	1-e		
	Cardno	1-e		
Final	Dept of Planning & Infrastructure Stockland	1-e 1-e	14/3/2012	David Kettle

## 1. REVISED STATEMENT OF COMMITMENTS

Table 1 sets out the statement of commitments including proposed and previously approved amendments .

**Table 1 Statement of Commitments**

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
1	Scope of Development	Stockland will carry out the development in accordance with the Environmental Assessment report prepared by ERM January 2006, plans in the Appendix of the EAR and supporting reports, except where amended by other items of this Statement of Commitments.	Stockland	For the duration of subdivision	
2	Statutory Requirements	<p>Stockland will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"> <li>• Construction Certificates for engineering works (including earthworks, soil and water management, clearing, roadworks, drainage, landscape, water supply, and sewerage) for each stage of the subdivision;</li> <li>• Construction Certificates for the Display Village within Stage 1;</li> <li>• Subdivision Certificates for each residential stage;</li> <li>• Roads and Traffic Authority Road Occupancy Licence;</li> <li>• Road Opening Permit;</li> <li>• Section 138 Consent for roadworks (Roads Act 1993);</li> <li>• Integral Energy Design Certification;</li> <li>• Integral Energy notification of Arrangement;</li> <li>• Telstra Compliance Certificate;</li> <li>• Shoalhaven Water Compliance Certificate;</li> <li>• Department of land and Property Information registration of the subdivision</li> </ul>	Stockland	Prior to the construction and registration of each stage within the development, and as required from time to time.	Amended 8 October 2007
3	Conveyancing	Stockland will prepare a final plan of subdivision and Section 88B instrument for each stage of the development. The Section 88B Instrument will provide easements for utility services that encroach onto private land or public reserves, and APZs on private land. The Section 88B instrument will require bushfire fuel management of the APZ on	Stockland	Prior to the registration of allotment within each stage of the development.	Amended s.75W Modification 9

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		private allotments.  Stockland will also register Section 88B instruments for easements over the following lots <ul style="list-style-type: none"> <li>• Lots 601 to 610 and 1001 to 1011 adjoining Naval College Road to require future owners to protect the integrity of the acoustic fence structure and earth batter, or a retaining wall if constructed by future owners.</li> <li>• Lots. 601 to 610 and 1001 to 1011 adjoining Naval College Road to prevent vehicular access to these lots being obtained from the southern boundary</li> <li>• Lots 610 and 1001 to prevent vehicular access being obtained over the western and eastern boundary, respectively.</li> </ul>			
4	Public Open space	Areas to be dedicated as public reserves will be embellished by Stockland in accordance with the principles of the landscape masterplan and documented in the detailed landscape design plans to be approved by Shoalhaven Council as part of the Construction Certificate.	Stockland and Shoalhaven City Council	Prior to release of Construction Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
5		Stockland will provide additional <i>Allocasuarina Littoralis</i> trees as part of the detailed landscape design plans to provide feeding habitat for the glossy black cockatoo.	Stockland	Prior to release of Construction Certificate by the Shoalhaven City Council or accredited certifier for the relevant stage.	
6		Stockland will recycle timber as mulch throughout the landscape strategy.	Stockland		
7		A landscaping plan will be prepared and implemented generally in accordance with the landscape masterplan prepared by Clouston Associates and include the use of local provenance trees and, <i>Allocasuarina Littoralis</i> as detailed in the landscape masterplan.	Stockland	Prior to the construction of each stage of the subdivision.	
8 (a)	Public Open Space Management and Maintenance	Stockland will remain responsible for the maintenance of public open space containing water sensitive urban design structure (WSUD) and bushfire asset protection zones (APZs) where they occupy the same area, for 3 years for each stage containing the WSUD structures. The WSUD infrastructure will be located within the public road reserve and thus will be dedicated as public land at nil cost to Council upon registration of the linen plan.	Stockland	To be maintained by Stockland for 3 years for each stage containing the WSUD.	
8(b)		The APZ with in the roads widening zone along Naval College Road will be dedicated to Shoalhaven City Council.	Stockland and Shoalhaven City	Prior to the release of the Construction Certificate by the	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
			Council	Shoalhaven City Council or accredited certifier for Stage 1.	
8(c)		Stockland will test the WSUD devices prior to handover of maintenance responsibility to Shoalhaven City Council to confirm that they are operating in accordance with the design. If the tests indicate that maintenance is required, Stockland will undertake the necessary remedial action to ensure at its cost that the WSUD devices are operating in accordance with the design.		Prior to handover of maintenance responsibility to the Shoalhaven City Council	
9	Tree Management	Stockland will identify on engineering plans submitted with the Construction Certificate Application all trees to be retained within the proposed public roads and reserves with the development. Stockland will provide an arborist report for the trees to be retained near public and private assets which identifies the species and condition of the tree and any remedial works required to render the tree appropriate for retention in the urban environment. All trees that are unsuitable for retention or are unable to be retained due to the provision of services and infrastructure will be removed and mulched on site.	Stockland	Prior to the release of the Construction Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
10	Construction	<p>Stockland will prepare a Construction Management Plan that will include:</p> <ul style="list-style-type: none"> <li>• an education strategy for construction contractors;</li> <li>• description of the work program outlining relevant timeframes for activities.</li> <li>• details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders.</li> <li>• description of the roles and responsibilities for all relevant employees involved in the construction phase.</li> <li>• details of the environmental management procedures, monitoring and reporting requirements during the construction or operation phase.</li> <li>• details as to what incident management procedures will be undertaken during construction or operation</li> <li>• the minimisation of rubbish and debris at the site from development activities during the construction phase.</li> </ul>	Stockland	Prior to the commencement of construction of stage 1, and updated prior to the commencement of construction for each stage of the subdivision.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
11		Stockland will repair any defective workmanship in each stage of the residential subdivision for a defects liability period of 12 months from the date of registration of the final plan of subdivision for that stage.	Stockland	For a period of 12 months from the date of registration of the final plan of subdivision for each stage.	
12		Stockland will prepare work as executed plans for construction work in each stage and provide such plans to Shoalhaven City Council.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
13		Stockland will prepare works as executed plans in a format compatible with the geographic information system (GIS) of the Shoalhaven City Council to assist with the Council asset management database.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
14	Design	Design Guidelines will be prepared by Stockland and implemented for the residential lots through the use of a restrictive covenant on the titles to the lots. <del>The Design Guidelines will be generally in accordance the attached Design Guidelines and specify:</del> <ul style="list-style-type: none"> <li><del>building setbacks;</del></li> <li><del>APZ setbacks where necessary;</del></li> <li><del>architectural form;</del></li> <li><del>architectural detail;</del></li> <li><del>landscape design.</del></li> </ul>	Stockland	Prior to the release of the Construction Certificate by Shoalhaven City Council or accredited certifier for each stage.	Amendment proposed November 2007  Amendment proposed Modification 12
15		Stockland will create a restrictive covenant on the title of each residential lot which will require owners to submit plans for dwelling houses to the Stockland Design House to demonstrate compliance with the Design Guidelines before lodging a Development Application with Shoalhaven City Council or obtaining a Complying Development Certificate. <del>The instrument will identify both Stockland and Shoalhaven City Council as a benefiting party.</del>	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	Amendment proposed November 2007  Amendment proposed Modification 12
15(a)		Stockland will create a restrictive covenant on the title of certain residential lots to identify lots that have zero lot lines. <ul style="list-style-type: none"> <li><del>lots that have a primary building line, secondary building line, or rear setback that differs from the respective controls stipulated in the Complying Development Controls</del></li> </ul> The instrument will identify both Stockland and Shoalhaven City Council as a benefiting party.		Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	Amendment proposed November 2007  Amendment proposed Modification 12

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
<del>15(b)</del>		<del>Stockland will create a restrictive covenant on the title of all residential lots to require dwellings to be generally consistent with the Design Guidelines prepared by Stockland with both Stockland and Shoalhaven City Council identified in the instrument as a benefiting party</del>		<del>Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.</del>	<del>Amendment proposed November 2007</del>  Deletion proposed Modification 12
16(a)	Fire Management	<p>Stockland will establish Asset Protect Zones (APZs) in accordance with:</p> <ul style="list-style-type: none"> <li>i. the Bushfire Assessment, January 2006, prepared by Bushfire and Environmental Services Pty Ltd and as per the modified Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) as part of the nominated residential allotments for maintenance by lot owner;</li> <li>ii. the APZ and AS3959 Construction Standard plans prepared by Eco Logical Australia attached to their letter dated 30 November 2010 in relation to lots 321-334 in Stage 3 of the Central Precinct; <u>and the lots adjacent to Naval College Road in the Western Precinct.</u></li> </ul> <p>APZ within the public open space containing WSUD will be dedicated to Shoalhaven City Council, as part of the WSUD infrastructure.</p> <p>Only fire retardant, low maintenance species which have limited growth height at maturity will be planted in the APZs.</p>	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	Amended s.75W Modification 9 & 10
16(b)		The APZ for the adaptable housing area is to be determined as part of any future project approval application.	Stockland	As part of the project approval application for the adaptable housing area	
17		Stockland will install fire hydrants in accordance with Australian Standard S2419.1-1994. Hydrants will be made accessible and located so that a tanker can park within a distance serviceable by a 20 metres hose and that all houses are within 70 metres of a hydrant	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
18		Fuel management within the Asset Protection Zones and Asset Protection Zones maintenance plans will be in accordance with Bushfire Assessment, January 2006, prepared by Bushfire and Environmental Services Pty Ltd and as per the modified Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) as part of the nominated residential allotments.	Stockland and Shoalhaven City Council	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
19	Ecological Management	Stockland will introduce a covenant on the titles to the lots that stipulates the banning of all cats from the development	Stockland and future land owners	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
accredited certifier for each stage.					
20	<b>ENVIRONMENTAL CORE LAND</b>	<b>Weed Management</b>			
		Stockland will prepare a weed management plan for the core environment area that addresses: <ul style="list-style-type: none"> <li>a resident education strategy;</li> <li>identification of invasive weeds;</li> <li>monitoring of exotic plant distribution and effectiveness of management controls, particularly adjacent to the Jervis Bay National Park.</li> </ul>	Stockland in consultation with DEC.  Responsibility for implementing the weed management plan will be vested with the landowner.	Within six months of the release of the subdivision certificate for stage 1.	
21		<b>Vegetation Management</b>			
(a)		Stockland will prepare a vegetation management plan for land in the core environment area that addresses monitoring of: <ul style="list-style-type: none"> <li>rare and threatened communities and species;</li> <li>threatening processes associated with changed in habitat conditions.</li> </ul> <p>The vegetation management plan will include a movement management plan which addresses the design, type, location, management and restriction of access through the land in the core environment area.</p>	Stockland in consultation with DEC  Responsibility for implementing the vegetation management plan will be vested with the landowner and annual monitoring shall be reported to DEC.	Within six months of the release of the subdivision certificate for stage 1.  Annual monitoring shall occur for a period of 5 years from the completion of the vegetation management plan.	
21(b)		Stockland will prepare a fire management plan for the environmental core land.	Stockland in consultation with DEC and the RFS  Responsibility for implementing the fire management plan will be vested with the landowner.	Within 6 months of release of subdivision certificate for stage 1.	
22		Stockland will prepare an Asset Management Plan for public open space	Stockland in	Prior to dedication of open space to	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		(including public reserves, WSUD and APZs) that will be dedicated to the Shoalhaven City Council.	consultation with the Shoalhaven City Council	the Shoalhaven City Council.	
23		Stockland will fence the interface boundary between the environmental lands and the outer edge of the APZ with a fence of post and wire construction to the height of an Australian Standard pool rated fence. The fence will be constructed stage by stage.	Stockland	The fencing to be completed within six months of the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage.	
24		Stockland will provide temporary fencing around each stage of development until the adjacent stage has been developed.	Stockland	During construction of the stage of development, and will remain in place until the adjacent stage has been developed.	
25		Stockland will retain ownership and maintenance responsibility for the environmental core land under its current zoning in accordance with the appropriate management plans until such time that the land can be transferred to an agreed entity to manage the environmental lands.	Stockland	Upon commencement of work on the site, with the appropriate entity being identified prior to the completion of the project.	
26		Stockland will prepare and implement restoration for the scald area within the Jervis Bay Orchid habitat north of the District Town Centre, in consultation with DEC and relocate the existing Bay and Basin Leisure Centre access as part of the future approval of the village east area.  A 25 metres buffer will be provided from the identified Jervis Bay Leek Orchids as shown on Drawing No 104016-71-SK 01_P0 prepared by Forbes Rigby Pty Ltd.	Stockland in consultation with DEC	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier that creates the core environment land.	
27		Stockland will provide flora and fauna interpretive signage along the boundary of the residential subdivision and the environmental core land.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council for the final stage.	
28	Flooding	Stockland will create flood free building envelopes for all residential allotments in the subdivision.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council for each stage	
29		Stockland will provide safe vehicular ingress and egress for all residential allotments in the 1% AEP flood event.	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council for each stage	
30	Water Supply and Quality Management	Stockland will design and install water quality control measures in accordance with the principles of the Water Sensitive Urban Design Study report prepared by Forbes Rigby, January, 2006 and modified in	Stockland	Prior to the release of the Subdivision Certificate by Shoalhaven City Council or	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		accordance with the attached Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) and Construction Certificate Plans and include: Bio retention swales, detention ponds and artificial wetlands to be located in the APZ and Gross Pollutant traps.		accredited certifier for each stage.	
31		Stockland will collaborate with the Shoalhaven City Council to establish the agreed detailed design of the WSUD and maintenance thereof.	Stockland in consultation with the Shoalhaven City Council	During the detailed design of the WSUD, and to be agreed prior to the transfer of the infrastructure in accordance with item number 8 above.	
32		Stockland will prepare a soil and water management plan to control run off during construction in accordance with the principles of the Water Sensitive Urban Design Study report prepared by Forbes Rigby, January, 2006 and modified in accordance with the attached Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) the Landcom publication Managing Urban Stormwater (MUS): Soils and Construction Volume 1, 4 <sup>th</sup> Edition, approved Construction Certificate Plans and DCP100.	Stockland in consultation with the Shoalhaven City Council	Prior to the release of the Construction Certificate by Shoalhaven City Council or accredited certifier for each stage.	
33(a)		Stockland will remain responsible for the maintenance of public open space containing water sensitive urban design structure (WSUD) measures for 3 years for each stage containing the structures. At that time testing will be conducted to confirm the infrastructure is operating in accordance with the design. When confirmed the maintenance of stormwater quality control measures will be transferred to the Shoalhaven City Council.	Stockland	To be maintained by Stockland for 3 years for each stage.	
33(b)		Stockland will test the WSUD devices prior to handover of maintenance responsibility to Shoalhaven City Council to confirm that they are operating in accordance with the design. If the tests indicate that maintenance is required, Stockland will undertake the necessary remedial action to ensure at its cost that the WSUD devices are operating in accordance with the design.		Prior to handover of maintenance responsibility to the Shoalhaven City Council	
34		Stockland will contribute \$150,000 to the Shoalhaven City Council for the future maintenance of the WSUD devices.	Stockland	To be made at the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for the first residential stage	
35	Social	Stockland will prepare a community development program which will include: <ul style="list-style-type: none"> <li>welcome initiatives for residents of the subdivision and provide local information;</li> </ul>	Stockland	Prior to the sale of residential lots in stage 1.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		<ul style="list-style-type: none"> <li>consultation with the new community in regards to planning and development of future stages;</li> <li>opportunities for resident involvement in environmental restoration and maintenance initiatives;</li> <li>a Feral and Domestic Animal Management Plan that includes a resident education strategy to recognise the importance of dogs being kept on a lead and out of conservation areas</li> <li>community education in regards to recycling initiatives</li> </ul>			
36	Cultural Heritage	Stockland will ensure all artefacts retrieved during the excavations of Site #58-2-0392 and Site #58-2-0393 will be retained in consultation with the Jerrinja community.	Stockland in consultation with the Jerrinja	During construction of any stage of the development.	
37		Stockland will inform the Jerrinja Local Aboriginal Land Council of progress of the development.	Stockland	Ongoing through the construction of the subdivision.	
38		Stockland will engage the local community and facilitate employment opportunities where possible between contractors and Jerrinja Aboriginal community.	Stockland	Ongoing through the construction of the subdivision.	
	Infrastructure	<b>Reticulated Services</b>			
39		Stockland will provide reticulated water supply, sewerage and underground electricity to each residential lot.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
40		Stockland will provide a reticulated water connection to each public reserve.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
41		Stockland will relocate existing high voltage electricity cables parallel to Naval College Road where they conflict with the development footprint.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
42		Stockland will relocate existing high voltage electricity cables along Moona Creek Road where they conflict with the proposed road realignment.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
43		Stockland will provide for infrastructure services generally in accordance with Drawing Number 4105 rev 2 Electricity, Telecommunications and Interallotment Drainage Concept Plan, Drawing Number 4103 rev 2	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		Sewer Reticulation Concept Plan and Drawing number 4104 rev 2 Water Reticulation Concept Plan prepared by Forbes Rigby Pty Ltd.		accredited certifier for the affected stage.	
44		Stockland will relocate the existing sewerage rising main and treated effluent transfer main where they conflict with the development footprint.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
45		Stockland will provide a minor system street drainage network designed to accommodate the 20% AEP storm event in accordance with design plans approved in the Construction Certificate.	Stockland in consultation with the Shoalhaven City Council	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
46		Stockland will provide a major system street drainage network designed to accommodate the 1% AEP storm event in accordance with design plans in the Construction Certificate.	Stockland in consultation with the Shoalhaven City Council	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier or each stage.	
47		Stockland will bear the cost of the relocation of utility services required as a result of construction of the development.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
<b>Roads</b>					
48a		Stockland will complete an initial concept design for all works (Naval College Road and The Wool Road) including all paths / cycleway works.		Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 1.	
48b		The full suite of road design for all works (Naval College Road and The Wool Road) including all path / cycleway works must be completed and approved by Shoalhaven City Council prior to the occupation of Stage 1 of the District Centre.	Stockland	Prior to occupation of Stage 1 of the District Centre	
48c		Stockland will design and construct signalised intersection of The Wool Road, the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School.	Stockland	Prior to the occupation of the first stage of the District Town Centre or prior to the construction certificate of village east, which ever is first.	
49		Stockland will design and upgrade The Wool Road to four lanes from the intersection with the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School to Naval College Road.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
50		Stockland will remove the existing pavement from the current access to the Bay and Basin leisure centre and rehabilitate.	Stockland	At the completion of the construction of item 49C	
51		Stockland will design and upgrade the roundabout at the Naval College Road and the Wool Road intersection to two lanes.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
52		Stockland will provide a proportional contribution towards the upgrade of the Wool Road southwest of Naval College Road where it can be demonstrated by traffic counts together with projected traffic from the following stage that the district centre has or is likely to affect traffic volumes to the point where a level of service D cannot be achieved. Traffic volumes to be measured at a point approx 500m west of the Naval College Road/Wool Rd roundabout and between the proposed school and the roundabout on the Wool Rd.	Stockland	To be assessed at each stage of the District Town Centre.	
53		Stockland will design and construct a roundabout with a non mountable central island intersection at Access A along Naval College Road to AUSTROADS standards, including approach and departure lanes.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 9 (shown as Stage 6 in the Western Village on the Proposed Staging Plan, Drawing 4107, Rev 15 prepared by Cardno).  Refer also to commitment 80.	Amended s.75W Modification 9
54		Stockland will design and construct the 80km/hr full channelised stop-sign controlled intersection at Access B along Naval College Road to AUSTROADS standards, including approach and departure lanes ensuring that adequate sight distance is provided, which may require realignment of Naval College Road. Appropriate signage is to be installed north of intersection A to forewarn of the changed traffic conditions and intersection at B. Once intersection A is constructed the above signage can be removed.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 1.	
55		Stockland will design and construct a roundabout with non mountable central island intersection at Access C along Naval College Road to AUSTROADS standards, including approach and departure lanes.	Stockland	Prior to the occupation of the first stage of the District Town Centre or residential stage 6 whichever is sooner.	
56		Stockland will design and construct the signalised intersection at Access D along The Wool Road, including the approach and departure lanes.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
57		Stockland will design and upgrade Naval College Road between The Wool Road intersection and Access C to four lanes, including road widening for setbacks.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
58a		Stockland will design, realign and upgrade Naval College Road between	Stockland	In conjunction with provision of	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		Access C and Access B to two lanes and 80km/hr AUSTROAD standards.		access C (item 56).	
58b		Stockland will design, realign and upgrade Naval College Road between Access B and Access A to two lanes and 80km/hr AUSTROAD standards.	Stockland	In conjunction with provision of access A (item 54).	
59		Stockland will design and construct the Naval College Road pedestrian / cycleway underpass with a 50% contribution from Council as Section 94 offset in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006 and as modified in October 2006 as part of the Preferred Project Report.	Stockland	Prior to the occupation of the first stage of the District Town Centre.	
60		Stockland will design and upgrade the existing track between the northern end of the newly formed Moona Creek Road within the site and the western end of the existing formation of Berry Street as a shared footpath / cycleway. The upgrade will include regrading the existing vehicular track, formalising table drains and minor relief drainage, trimming of vegetation as necessary and construction of a 2 metre wide bitumen pavement.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for stage 4.	
61		Stockland will relocate existing unformed public roads to suit the subdivision layout at nil cost and nil compensation to state or local government. Stockland fund all of the cost related to the road closures.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage.	
62		Stockland will design and construct flexible road pavements in accordance with the Australian Road Research Board design criteria and Shoalhaven City Council DCP 100.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
63		Stockland will design and construct rigid road pavements in accordance with the Cement and Concrete Association design guidelines.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
64		Stockland will ensure that the AUSTROADS Design Service Vehicle (8.8 metre rigid) can negotiate all public roads and intersections and that the AUSTROADS Long Rigid Bus (14.5metre) can negotiate all bus routes.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
65		Stockland will design and construct foot and cycle paths as documented in the EAR including:	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		<ul style="list-style-type: none"> <li>continuing the shared foot and cycle path network to connect with the proposed underpass at Naval College Road and the existing pedestrian network including a safe crossing facility across The Wool Road;</li> <li>Shared foot and cycle paths to all be at a width of 2.0m;</li> <li>Main east – west footpath to the District Centre from residential stages 6 &amp; 8 to be a shared foot and cycle path at a width of 2.0m.</li> </ul>		accredited certifier for each stage.	
66		Stockland will provide parking bays within the road reserve of the ridge and connector roads at a rate of one per two dwellings.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
67		Stockland will provide street signs for each new public road in accordance with the requirements of the Shoalhaven City Council.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
68	Geotechnical	<del>Stockland will provide a lot classification geotechnical report to Shoalhaven City Council for each stage of development prior to the release of the final plan of subdivision for that stage.</del>	<del>Stockland</del>	<del>Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.</del>	Condition A6 of the Project Approval prevails. Refer Modification 5 approved 20 April 2009
69	Staging	Stockland will construct the subdivision in accordance with the Proposed Staging Plan prepared by Forbes Rigby, 2006 or as otherwise approved in Construction Certificate plans approved by Shoalhaven City Council or accredited certifier.	Stockland	For all stages of the development.	
70		Stockland commits to construct stage 1 of the District Town Centre in accordance with the staging plan submitted as part of the preferred project (drawing Number A009 dated 24 May 2006) or as otherwise approved by consent in the project approval for the development.	Stockland	Submission of Project Approval Application	
71		Stockland commits to submitting a project approval application for adaptable housing within 12 months of obtaining Concept approval for adaptable housing, should it be determined appropriate.	Stockland	Submission of Project Approval Application	
72	Monitoring	Stockland will undertake a water quality monitoring program in accordance with the Water Quality Monitoring Plan to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a period of three years following the	Stockland	For a period of three years following the registration of the final plan of subdivision for each stage.	

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		registration of the final subdivision plan for the final stage that drains into the monitoring location.			
73		Stockland will undertake a weed monitoring program in accordance with the Weed Management Plan during the maintenance period.	Stockland	For a period of two years following the registration of the final plan of subdivision for each stage.	
74	Developer Contributions	Stockland will pay Section 94 developer contributions in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006, and as modified in October 2006 as part of the Preferred Project Report which forms part of the EAR on a "per ET" basis for each stage of the residential subdivision at the rate applicable at the time of payment, except for project 03 CFAC 0003 (Amendment 67 – Bay & Basin Recreation & Cultural Hall) which is a fixed amount of \$3,656 that would then fully recoup the developer share for that whole project.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage of the residential subdivision and the Construction Certificate for each stage of the District Town Centre.	
75		Stockland will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
76	Display village	<p>Stockland will design, construct and operate a housing display village in Stage 1 of the residential subdivision.</p> <ul style="list-style-type: none"> <li>The design and siting of the display village will conform with the following: <ul style="list-style-type: none"> <li>The display village will be confined to proposed Lots 110 to 121.</li> <li>Be generally consistent with the display village Concept Plan prepared by Annand Alcock Urban Design included as Part 4 Annexure B of the Preferred Project Report.</li> <li>Each of the display homes are capable of complying with all requirements of the Concept Plan and Project Approval prior to registration of the allotments and occupation for residential purposes.</li> <li>All display homes will comply with the built form controls and design guidelines contained in Part 4 Annexure B of the Preferred Project Report, except the requirement for a rainwater tank.</li> <li>The total display office area will be contained within a</li> </ul> </li> </ul>	Stockland	As soon as practicable, coordinated so that operation commences after suitable vehicular access is established. The operation of the display village will continue until such time as market conditions do not warrant such a village, or a maximum of 24 months after the registration of the final stage of the residential subdivision development.	Amended 8 October 2007

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		<p>maximum of one storey in height, will not exceed 100m<sup>2</sup> in gross floor area, and will be generally consistent with the Sales Centre Plans prepared by Stockland Property Trust dated 1 February 2004, Drawing No. 0803.00 05-07 and Martins Design Pty Ltd dated 1-3-04.</p> <ul style="list-style-type: none"> <li>○ The provision of a minimum of 26 car parking spaces inclusive of one space for persons with a disability, suitably sealed and marked, and compliant with AS2890(2002).</li> <li>○ The provision of utility services adequate for the operation of the display village inclusive of amenities for sales staff and customers, with provision to ensure full services can be connected to all lots prior to registration.</li> <li>○ Final plans, demonstrating compliance with the above requirements, together with a signage plan and landscape plan, shall be prepared and certified to be in accordance with the requirements of the Concept Plan and Project Approvals by a person authorized to issue a complying development certificate for housing in the Shoalhaven Local Government Area, prior to the issue of a Construction Certificate.</li> </ul> <ul style="list-style-type: none"> <li>• Vehicular access to the display village will be established within the proposed public roads connecting to Naval College Road prior to commencement of operations.</li> <li>• The hours of operation of the display village will be limited to 9am to 5pm, Monday to Sunday.</li> <li>• No display home will be occupied for residential purposes until after the cessation of the operation of the display village and registration of the lots and issue of Occupation Certificates.</li> <li>• All display homes shall be subject to works to ensure compliance as required for use as a dwelling-house prior to occupation.</li> <li>• The display office, car parking and any associated works not relevant to the long term residential occupation of the site will be decommissioned and works undertaken as required to render the proposed lots suitable for proposed residential occupation.</li> </ul>			
76a	Display Village - Western Village	<p>Stockland will design, construct and operate a housing display village in the Western Village of the residential subdivision.</p> <ul style="list-style-type: none"> <li>• The design and siting of the display village will conform with the following:</li> </ul>	Stockland	The operation of the display village will continue until such time as market conditions do not warrant such a village, or a maximum of 24 months after the registration of the	Amended s.75W Modification 10  Further amendment

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		<ul style="list-style-type: none"> <li>○ The display village will be confined to proposed Lots 530-535, 551 and 552.</li> <li>○ Each of the display homes are capable of complying with all requirements of the Concept Plan and Project Approval prior to registration of the allotments and occupation for residential purposes.</li> <li>○ <del>All display homes will comply with the built form controls and design guidelines of the Bayswood Design Essentials dated 10 December 2009, except the requirement for a rainwater tank.</del></li> <li>○ The provision of a six (6) customer car parking spaces on proposed Lot 550 in the western village.</li> <li>○ The approved and constructed display office area and customer car parking (minimum 26 car car parking spaces) located in the Central Village will continue to operate for the life of the Western Village display homes.</li> <li>○ The provision of utility services adequate for the operation of the display village inclusive of amenities for sales staff and customers, with provision to ensure full services can be connected to all lots prior to registration.</li> <li>○ Final plans, demonstrating compliance with the above requirements, together with a signage plan and landscape plan, shall be prepared and certified to be in accordance with the requirements of the Concept Plan and Project Approvals by a person authorized to issue a complying development certificate for housing in the Shoalhaven Local Government Area, prior to the issue of a Construction Certificate.</li> <li>● Vehicular access to the display village will be established within the proposed public roads connecting to Naval College Road prior to commencement of operations.</li> <li>● The hours of operation of the display village will be limited to 9am to 5pm, Monday to Sunday.</li> <li>● No display home will be occupied for residential purposes until after the cessation of the operation of the display village and registration of the lots and issue of Occupation Certificates.</li> <li>● All display homes shall be subject to works to ensure compliance as required for use as a dwelling-house prior to occupation.</li> <li>● The display office, car parking and any associated works not relevant to the long term residential occupation of the site will be decommissioned and works undertaken as required to render the</li> </ul>		final stage of the residential subdivision development.	proposed s.75W Modification 12

Item Number	Item	Commitment	Responsibility	Timing	Amendment Date
		proposed lots suitable for proposed residential occupation.			
77	Signage	Stockland will provide estate marketing signs within The Wool Road and Naval College Road reserves in accordance with plans approved by Shoalhaven City Council as part of the Construction Certificate	Stockland		
78	Noise	Stockland will provide a 1.8 metre high timber noise attenuation barrier on a 0.7metres high landscaped earth mound along the boundary of Lots 154 to 163 and 725 to 733 in accordance with the Noise Impact Assessment by Heggies Australia, 2006, subject to such plans first being approved by Shoalhaven City Council.	Stockland	Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage.	
78a	Noise	Stockland will construct a 3.4m high acoustic barrier comprising a 1600m landscaped mound and 1800mm high colourbond mini screen fencing along the southern boundary of the lots and for 15m along the northern return of each end lot, in accordance with the Landscape Plan: Acoustic Treatment LCo1 Revision C prepared by Taylor Bramer dated 26 November 2010.	Stockland	Details of the acoustic fence to be provided with the construction certificate for the relevant stage incorporating the affected lots.	Amended s.75W Modification 9
78b	Noise	Stockland will register a Section 88B instrument under the Conveyancing Act 1919 upon Lots 601 to 610 and 673 to 683 adjoining Naval College Road in the Western Village to require two storey dwellings to incorporate mechanical ventilation and/or architectural treatment techniques such as appropriate dwelling layout and design to manage noise impacts to the first floor of the habitable rooms of future dwellings.		Prior to the registration of each allotment within each stage of the development.	Amended s.75W Modification 9
79	Road Widening	Land for Road Widening to be ceded to and at nil cost to the Council. Stockland to bear all costs to facilitate transfer of land.	Stockland	As soon as practicable after practical completion of the road widening construction works.	
80	Subdivision Certificates for the western village (stages 6 and above)	Stockland commits to ensuring that subdivision certificates for Stage 6 of the western village (as indicated on the Proposed Staging Plan, Drawing 4107, Rev 15, prepared by Cardno) and all subsequent stages in the western village will not be issued until Access A and the ridge road (Seagrass Avenue) is constructed to a standard for public use.	Stockland	On-going until Access A and the ridge road are constructed.	Amended s.75W Modification 9



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# ATTACHMENT 3



RECEIVED  
30 JAN 2012

BY:.....

Mr David Kettle  
Partner  
Don Fox Planning  
PO Box 230  
PENNANT HILLS NSW 1715

12/01894

Dear Mr Kettle

I refer to previous discussions with Departmental staff regarding the modification of the Vincentia Coastal Village Concept Plan and Project Approval to remove references to the document *Exempt and Complying Development - Vincentia Coastal Village*, as you are now seeking to apply the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

I can advise that, as a delegate of the Director-General, I have designated under clause 8F(1)(e) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) that landowners consent is not required for applications to modify the Vincentia Coastal Village Concept Plan and Project Approval (MP06\_0060 & MP06\_0058) which apply to land in multiple landholdings.

However, please note that under clause 8F(3) of the Regulation that you are required to give notice of the application to the owners of the land at any time before the application is made. You should provide copies of these notices as part your application.

Should you have any further enquiries about this matter, I have arranged for Anna Johnston, Strategic Assessment, of the Department of Planning and Infrastructure to assist you. She can be contacted on telephone number (02) 9228 6329.

Yours sincerely

  
Giovanni Cirillo  
**Executive Director**  
**Urban Renewal & Major Sites**



planning consultants

# ATTACHMENT 4

**Residential Communities**

Level 27, 133 Castlereagh Street T 9035 2887  
Sydney NSW 2000 F 8988 2914

[www.stockland.com.au](http://www.stockland.com.au)

PO Box 998  
Sydney NSW 2000



x February 2012

[Landowner name and address

Xxxxxxxx

XXXXXXXXXXXX

**Notification of Modification of Concept Plan Approval**

Dear xxxxx,

Stockland is proposing a modification to the Concept Plan Approval for Vincentia Coastal Village (Bayswood) to remove references to the document *Exempt & Complying Development Controls – Vincentia Coastal Village*. The effect of this modification is that future exempt and complying development will be subject to the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW Housing Code)* or *Shoalhaven City Council's local controls*.

The *NSW Housing Code* was introduced by the NSW Government in 2009 to streamline the development approval process for low impact development that meets a prescribed set of development standards. The Government aims to increase the use of this state-wide Code to ensure that a uniform approach applies across NSW.

Stockland's Concept Plan Approval issued in 2007 and the *Exempt & Complying Development Controls – Vincentia Coastal Village* introduced in 2008 pre-date the *NSW Housing Code*. The proposed modification will replace the *Exempt & Complying Development Controls – Vincentia Coastal Village* and rely upon the *NSW Housing Code* for complying development. Applying the *NSW Housing Code* in Bayswood is consistent with similar residential development in the Shoalhaven local government area and across New South Wales.

The proposed modification will provide applicants seeking development approval for a new dwelling with two options:

- Lodge a development application to Shoalhaven Council
- or**
- Obtain a complying development certificate from a certifier under the *NSW Housing Code* or *Shoalhaven City Council's local controls*.

**All new dwelling designs will still require compliance with the Bayswood Design Essentials and approval by the Stockland Design Review Panel before seeking a development approval from Council or a complying development certificate from a certifier.**

The NSW Department of Planning & Infrastructure (DPI) will place the modification application on public exhibition for a prescribed period. You will be able to view this application on their website at [planning.nsw.gov.au](http://planning.nsw.gov.au) during this time. Alternatively, you can call the DPI on 02 9228 6333 for more information.

Yours sincerely,

**Michael Braithwaite**  
Senior Development Manager

**Lot owners in Stockland's Bayswood, Vincentia**

<b>Lot #</b>	<b>Client</b>
101	Bill and Janette Medaris
102	Mark Boxall
103	Judi & Joe Nethery
104	Stephen Cornelius and Nyree Cornelius
105	Robert and Natalie Camilleri
106	Christopher George and Sirirat Kongsin
107	David Azzi
108	Lee and Jessica Carmichael
109	Jonathan and Erika Wright
110	Alexander Zak
111	Paul Gauci
112	NSW Coastal Homes Pty Ltd trading as Hotondo
113	Henry Schumacher
114	Andrew Savage
115	Bradley and Denise Christensen
116	J & R Nominees (Vincentia) Pty Limited
117	Nolene Oakes
118	Masterton Homes Pty Limited
119	Robyn Walton
120	Shyann and Clairie Seet
121	Andrew and Margaret Manson
122	Roger and Linda Ehlers
123	
124	Dylan Cross and Sandra Freeman
125	Paul and Glenda Copson
126	Tahany Soliman
127	Kylie Gorter
128	Colin and Marion Pedersen
129	Troy Stanners and Magdalena Cree
130	Janine Leagh
131	Benjamin and Melissa Crowther
132	Roland and Aimee Le Gall
133	Joyce Justice
134	To The Resident
135	To The Resident
136	To The Resident
137	David and Jennifer Caruana
138	Vazzitti Pty Ltd
139	Samuel Herbert
140	Luke Molloy
141	Robert and Susan Doyle
142	Marie Sevilla and Lawrence Fok
143	Shirley Andrews and Craig Whyte
144	Todd Caine

145	Simon and Amanda Lam
146	Jordan Dank
147	Nigel and Diane Rowan
148	To The Resident
149	To The Resident
150	To The Resident
151	To The Resident
152	Victor Veness
153	Richard Boronski
154	Shyam Bakrania
155	Peter and Karen Robertson
156	Clarence Raymer
165	Vazzitti Pty Ltd
166	Fay & Peter Madgwick
167	To The Resident
168	To The Resident
169	To The Resident
170	To The Resident
171	To The Resident
172	Robert NeNado & Christine Taylor
173	Brian and Lisa Rubbo
174	John and Suzanne Malley
174	To The Resident
180	Roy and Linda Mammoliti
181	Steven and Kylie Sultana
182	Matthew Hudson
183	James O'Neill and Carolyn Ward
184	Estelle Burgess
185	Wayne and Jennifer Anstiss
186	Holly Sutherland
186	To the Resident
187	Joseph and Tatiana Navan
188	Wayne and Jodien Mortlock
189	Keith and Anne Crowther
190	Lauren Gregoraci
201	Geoffrey Burney
202	Rodney and Kylie Shields
203	Rick and Lisa Webber
204	Daniel Stubbs and Lyfe Myers
205	McDonald Jones Homes Pty Ltd
206	Lois Friend
207	McDonald Jones Homes Pty Ltd
208	Kaylene Collis and Darren Falke
209	Frank & Matilda Rimanic
210	Bryan Malley
211	McDonald Jones Homes Pty Ltd

212	Maxwell Watson
213	Robert and Gabriele Miller
214	Derek Ohlston and Marilyn Edwards
215	McDonald Jones Homes Pty Ltd
216	McDonald Jones Homes Pty Ltd
217	Harish Kumar and Iva Jenickova
218	Frank & Matilda Rimanic
219	Liam Property Holdings Pty Ltd
220	Liam Property Holdings Pty Ltd
221	Liam Property Holdings Pty Ltd
222	Victor Stamatou
224	Liam Property Holdings Pty Ltd
225	Frank Rimanic
226	Adrian and Elizabeth Sismore
227	Frank Klopfer
228	Claudine Beltrami
229	Matthew Whalan and Chantal Maher
230	Vlado and Linda Drazenovic
231	Franco Milicevic
232	Tomo Majetic, Nada Majetic, Ana Majetic and Gloria Milicevic
233	Trevor and Patsy Morris
234	Peter Norton
235	Ian and Valda Williams
236	Gary Sadler and Leanne Brooker
301	Andrew and Kristie Lissenden
302	Philip and Juliser Brown
303	Kym and Mary Lees
304	Robert and Bronwyn Walters
305	Etevis and Alice Su Fui
306	Frankie Spiteri
307	John and Judith Sandford
308	Michael Freeman
309	Anthony and Lynette Mulligan
310	Duro and Danielle Segecic
311	Gary Bond and Alessandra Agazzi
312	Tony and Karen Gauci
313	Timothy and Cheryl Hussey
314	Timothy and Michelle Hudman
315	Justin and Cherie Gouin
316	Franco and Anna Napolitano- Riviezzo
317	Andrew Clyne and Erin Hurrell
318	Robert De Nardo and Christine Taylor
319	Scott and Lauren Watling
320	Mark McDougall and Nicole Fonceca
322	Vegeta Pty Limited
324	Vegeta Pty Limited

325	David William Lacey
	To The Resident
333	Matthew & Danielle Keating
502	William Andrew Standen
503	Stewart & Michelle Charlesworth
504	Tevor & Helen Davison
505	Heath & Taryn Evans
506	Michael & Leanne Abela
507	John & Marion Mansley
508	Tod & Joanne McLauchlan
509	Rod Slader
510	Ben Seaman & Karen Kilian
511	Michael & Pamela Mullins
512	Kenneth & Patricia Burnham
513	Natasha Yvonne Hammond and Tony William Hammond
519	Michael & Rebecca Stoboi
520	Mark Elliott
521	Vegeta Pty Limited
521	William Andrew Standen
522	Vegeta Pty Limited
525	Paul and Ann Vella
526	Phillip John Flynn and Rina Jeanette Flynn
530	Martin Ray Sherer and Rebecca Jane Sherer
532	Sharyn Kopschewa
533	Barrington Housing Group Pty Limited
534	White Sands Pty Limited
535	McDonald Jones Homes Pty Ltd
536	Salvador de Guzman
537	Carolyn Childs
538	McDonald Jones Homes Pty Ltd
539	Ranee Hanlen
540	Vegeta Pty Limited
541	Rosalind Woolmer
542	Victor Goncharuk
545	Matthew Copp
556	Wayne and Kaye Pearce
557	Jeffrey & Deidre Fisher
558	Barry & Diane Dunwoody
559	Kim & James Dickford
560	Barbara Carol Hollett and Glenn Charles Hollett
561	Dale & Sarah Howard
562	Jeremy Charles Sutton
563	Peter & Rebecca Lynch
564	Raymond John Noon and Lynne Irene Noon
565	Judy and David Stone
566	Benjamin and Sharryn McNamara

568	Elizabeth & Leighton Shepherd
569	Donna Hume & Jeneane Aitken
570	Ashley Roberts & Rachel Dowe
571	Paul & sonya Kelly
572	David Walsh & Lorraine Fraser-Walsh
575	Margaret Ellen Dicker
576	Kathryne James
577	Magdalena Cree & Troy Stanners
578	David & Susan Perry
580	Richard Filipe Aguiar
581	Simon Tapply