

Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Regional Assessments

Sydney 16 OCTOBER

2018

SCHEDULE 1

Development Approval: **MP 08_0167** granted by the Planning Assessment Commission on 3 June 2011

For the following:

Saltwater Residential Subdivision involving:

- 269 low density residential lots constructed throughout eleven stages of development
- one medium density residue lot
- internal public road network
- public open space areas with recreation facilities
- a network of pedestrian and cyclist pathways
- a 14.9 ha conservation zone
- two stormwater treatment areas
- on-site landscaping works.

Approval Authority: Minister for Planning

The Land: Lot 1 DP 1128633; Lot 2 DP 1128633; and Lot 84 DP 792945, Belle O'Connor Street, South West Rocks

Modification: **MP 08_0167 MOD 4:** the modification includes amendment of Conditions A1, A7, A8, D13, E10, E11 and F5 to alter timing to reflect approval pathways within Seniors Living Development and clarify applicable Environmental Planning Instruments and Codes for future applications.

SCHEDULE 2

The above approval (MP 08_0167) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, Condition A7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

A7 Staging

The development shall be carried out in accordance with the following staging:

Stages 1A, 4B, 1C, 2 and 3 must be carried out first, in accordance with the Saltwater Links Residential Subdivision Revised Overall Staging Plan (Revision G) prepared by Land Dynamics Australia and dated 26.09.2017. The order of subsequent stages may be varied, subject to the proponent having received written approval by the Secretary.

The Senior Living Development (Stage 1B) shall be carried out in accordance with the Saltwater Links Seniors Living Residential Development Staging Plan (Revision D) prepared by Land Dynamics Australia dated 25.09.2017 **and may occur concurrently with the other stages of the overall development.**

- (b) Schedule 2 Part A – Administrative Conditions, Condition A8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

A8 Senior Living Development

This approval does not approve dwellings within the Seniors Living Development. Separate development application(s) for the dwellings must be lodged with Council for assessment and determination. All future development application(s) for dwellings shall address all relevant requirements under the EP&A Act, including:

- ~~a) the relevant matters in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and the Seniors Living Policy: Urban Design Guidelines for Infill Development; and~~
- ~~b) BASIX certification as required by State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004~~

the relevant matters in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the Seniors Living Policy: Urban Design Guidelines for Infill Development.

Advisory note: this approval does not preclude the Seniors Living Development to proceed by separate development applications for dwellings on the sites, which may include:

- i. **conventional dwelling houses; or**
- ii. **a manufacture home estate.**

- (c) Schedule 2 Part D – During Construction, Condition D13 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

D13 Building Code of Australia Compliance

~~All building work shall be carried out in accordance with the provisions of the Building Code of Australia.~~

Building work to which the Building Code of Australia applies shall be carried out in accordance with the provisions of that Code.

- (d) Schedule 2 Part E – Prior to Issue of a Subdivision Certificate, Condition E10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

E10 Section 94 Monetary Contribution

Prior to the issue of a Subdivision Certificate for each stage of the project, **or as otherwise agreed to in writing by Council**, the Proponent must pay, the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)*:

1) Amount of Contribution

Section 94 Contributions

Name of Contribution Plan	For each residential lot	x 147 165 Lots	For each seniors site	x 199 Sites
Community Services - Library	\$871.20 <u>\$889.50</u>	\$128,066.40 <u>\$146,767.50</u>	\$617.10 <u>\$630.06</u>	\$122,802.90 <u>\$125,381.94</u>
Community Services - MPB	\$1,068.00 <u>\$1,090.43</u>	\$156,996.00 <u>\$179,920.95</u>	\$756.50 <u>\$772.39</u>	\$150,543.50 <u>\$153,705.61</u>
Open Space Acquisitions	\$1,041.60 <u>\$1,063.47</u>	\$153,115.20 <u>\$175,472.55</u>	\$737.80 <u>\$753.29</u>	\$146,822.20 <u>\$149,904.71</u>
Open Space Increased Capacity	\$3,360.00 <u>\$3,430.56</u>	\$493,920.00 <u>\$566,042.40</u>	\$2,380.00 <u>\$2,429.98</u>	\$473,620.00 <u>\$483,566.02</u>
Bushland	\$74.40 <u>\$75.96</u>	\$10,936.80 <u>\$12,533.40</u>	\$52.70 <u>\$53.81</u>	\$10,487.30 <u>\$10,708.19</u>
Traffic and Transport Management	\$3,163.20 <u>\$3,229.63</u>	\$464,990.40 <u>\$532,888.95</u>	\$2,240.60 <u>\$2,287.65</u>	\$445,879.40 <u>\$455,242.35</u>
Public Domain Improvements	\$448.80 <u>\$458.22</u>	\$65,973.60 <u>\$75,606.30</u>	\$317.90 <u>\$324.58</u>	\$63,262.10 <u>\$64,591.42</u>
Stormwater Management	\$3,038.40 <u>\$3,102.21</u>	\$446,644.80 <u>\$511,864.65</u>	\$2,152.20 <u>\$2,197.40</u>	\$428,287.80 <u>\$437,282.60</u>
Support Services - Bushfire	\$84.00 <u>\$85.76</u>	\$12,348.00 <u>\$14,150.40</u>	\$59.50 <u>\$60.75</u>	\$11,840.50 <u>\$12,089.25</u>
Support Services - Surf Lifesaving	\$103.20 <u>\$105.37</u>	\$15,170.40 <u>\$17,386.05</u>	\$73.10 <u>\$74.64</u>	\$14,546.90 <u>\$14,853.36</u>
Plan Studies	\$177.60 <u>\$181.33</u>	\$26,107.20 <u>\$29,919.45</u>	\$125.80 <u>\$128.44</u>	\$25,034.20 <u>\$25,559.56</u>
Kempsey Public Domain	\$1,101.60 <u>\$1,124.73</u>	\$161,935.20 <u>\$185,580.45</u>	\$780.30 <u>\$796.69</u>	\$155,279.70 <u>\$158,541.31</u>
Total	\$14,532.00 <u>\$14,837.17</u>	\$2,136,204.00 <u>\$2,448,133.05</u>	\$10,293.50 <u>\$10,509.68</u>	\$2,048,406.50 <u>\$2,091,426.32</u>
Section 94 Contribution Plan - Project Administration (+6%)	\$871.92 <u>\$890.23</u>	\$128,172.24 <u>\$146,887.95</u>	\$617.61 <u>\$630.58</u>	\$122,904.39 <u>\$125,485.38</u>
Grand Total	\$15,403.92 <u>\$15,727.40</u>	\$2,264,376.24 <u>\$2,595,021.00</u>	\$10,911.11 <u>\$11,140.26</u>	\$2,171,310.89 <u>\$2,216,911.70</u>
Total s94 Contributions =			<u>\$4,435,687.13</u> <u>\$4,811,932.70</u>	

These calculations are valid until 30 June 2019 after which they may be adjusted in line with CPI.

2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

The contributions are current at the date of this approval. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council.

3) Section 94 Plans

A copy of the Section 94 contribution plans may be inspected at Kempsey Shire Council Chambers – 22 Tozer Street, West Kempsey.

4) Certificate of Compliance

- a) Prior to the issue of any Subdivision Certificate, or as otherwise agreed to in writing by Council, the Proponent must obtain a Certificate of Compliance pursuant of Section 305 of the Water Management Act 2000 shall be obtained from Council and provided it to the Principal Certifying Authority.
- b) A Certificate of Compliance shall be issued by Council when all contributions are paid in full and all infrastructure necessary to service the development has been completed in full to the satisfaction of Council
- c) Contributions set out in the following table are to be paid to Council prior to the issue of any Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006.
- d) The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.
- e) Section 64 Contributions

	WATER (per lot)	x 147-165 Lots	SEWER (Per lot)	x 147-165 Lots
Each Residential Lot	\$9,800.00 \$10,005.80	\$1,440,600.00 \$1,650,957.00	\$8,267.00 \$8440.61	\$1,215,249.00 \$1,392,700.65
	WATER (per site)	x 199 Sites	SEWER (per site)	x 199 Sites
Each Seniors Site	\$5,880.00 \$6,003.48	\$1,170,120.00 \$1,194,692.52	\$6,200.25 \$6,330.46	\$1,233,849.75 \$1,259,761.54
	WATER (per ET)	x 10.53ET	SEWER (per ET)	x 14.39ET
Clubhouse	\$9,800.00 \$10,005.80	\$103,194.00 \$105,361.07	\$8,267.00 \$8,440.61	\$118,962.13 \$121,460.38
Total s64 Charges =		\$5,281,974.88 \$5,724,933.16		

These calculations are valid until 30 June 2019 after which they may be adjusted in line with CPI.

End of Modification (MP 08_0167 MOD 4)