

## CONCEPT APPROVAL

Section 75O of the *Environmental Planning and Assessment Act 1979*

DETERMINATION OF CONCEPT PLAN NO. 05\_0016

(FILE NO. 9040183-3)

**PART LOT 11, DP1104789 AND PART LOT 72, DP 1073600, DOLPHIN POINT  
ROAD AND WURU ROAD, DOLPHIN POINT/BURRILL LAKE**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, determine:

- (i) Under Section 75O of the *Environmental Planning and Assessment Act 1979*, to approve the concept plan referred to in Schedule 1;
- (ii) Pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, future development in the three development parcel areas in Stage 5 be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix F, the Preferred Project Report prepared by Turnbull Planning International Pty Ltd on behalf of the Elderslie Property Investments Pty Ltd (dated 18 February 2008) and the Proponent's Statement of Commitments in Schedule 3, subject to the modifications in the attached Schedule 2.



Frank Sartor MP  
**Minister for Planning**

Sydney,

12<sup>th</sup> March 2008

## SCHEDULE 1

### PART A—TABLE

Application made by:	Elderslie Property Investments Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 05_0016
On land comprising:	Wuru Road and Dolphin Point Road, Dolphin Point/Burrill Lake Lot 11 DP 1104789 and Part Lot 72 DP 1073600
Local Government Area	Shoalhaven
For the carrying out of:	<ol style="list-style-type: none"><li>(1) A staged subdivision into 164 residential allotments;</li><li>(2) Creation of roads to service the subdivision;</li><li>(3) Creation and embellishment of one allotment as a neighbourhood park in Precinct A;</li><li>(4) Creation and embellishment of an informal neighbourhood park in Precinct B;</li><li>(5) Construction of pedestrian/cycle paths through all Precincts;</li><li>(6) Landscaping;</li><li>(7) Revegetation works to riparian zones in all Precincts;</li><li>(8) Provision of services and infrastructure; and</li><li>(9) Identification of development parcels within Stage 5.</li></ol>
Type of development:	Concept Plan
S.119 Public inquiry held:	No
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0133

#### Responsibility for other consents / agreements

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

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

#### Legal notices

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

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## PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Council** means Shoalhaven City Council.

**CPI** means Consumer Price Index.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by Turnbull Planning International Pty Ltd and dated September 2007.

**Minister** means the Minister for Planning.

**MP No. 05\_0016** means the Major Project described in the Proponent's Environmental Assessment.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Precinct A** means the area referred to as 'Stage 3' generally comprising a residential subdivision of 23 residential lots, one informal park and associated works and riparian corridors.

**Precinct B** means the area referred to as 'Stage 2' generally comprising a residential subdivision of 141 residential lots and 1 neighbourhood park and associated works.

**Precinct C** means the area referred to as 'Stage 5' is land intended to be dedicated to the Council, generally comprising of works for a fire trail, revegetation works, pedestrian and cycle paths, services and bio-retention basin, services and three future development area parcels.

**Proponent** means Elderslie Property Investments Pty Ltd or any party acting upon this approval.

**Public** means the general public and is not limited to the residents of the community title subdivision.

**Regulation** means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this Schedule.



## SCHEDULE 2

### TERMS OF APPROVAL AND CONCEPT PLAN MODIFICATIONS

#### RESIDENTIAL SUBDIVISION - MAJOR PROJECT NO. 05\_0016

#### PART A —TERMS OF APPROVAL

##### **A1 Development Description**

Concept approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment titled "**Concept Approval Application and Project Application for a Staged Development to Permit Residential & Recreational Development at Dolphin Point**" prepared by Turnbull Planning International Pty Ltd (dated September 2007), including:

- (1) A staged subdivision into 164 residential allotments;
- (2) Creation of roads to service the subdivision;
- (3) Creation and embellishment of one allotment as a neighbourhood park in Precinct A;
- (4) Creation and embellishment of an informal neighbourhood park in Precinct B;
- (5) Construction of pedestrian/cycle paths through all Precincts;
- (6) Landscaping;
- (7) Revegetation works to riparian zones in all Precincts;
- (8) Provision of services and infrastructure; and
- (9) Identification of development parcels within Stage 5.

##### **A2 Development in Accordance with Plans**

The development will be undertaken in accordance with the Environmental Assessment dated September 2007 prepared by Turnbull Planning International Pty Ltd as amended by the Preferred Project Report dated 18 February 2008 prepared by Turnbull Planning International Pty Ltd including all Appendices and the following drawings:

Subdivision Layout Drawings prepared by <i>Rygate and West</i>			
Drawing No.	Revision	Name of Plan	Date
U11840M Sheet1 of 1	B	Indicative Subdivision Layout for Stages 2 and 3	1 February 2008
Stage 5 Development Parcels Plan prepared by <i>Urbis JHD</i>			
Figure on Page 5 of <i>Urban Design Review</i> , dated 17 October 2006, identifying the Stage 5 Development Parcels, being Annexure 4 of the <i>Environmental Assessment Report</i> prepared by Peter Le Bas, Sandra Bailey and Gary Peacock of Turnbull Planning International Pty Ltd, dated September 2007			
Pavement Width and Pathway Concept Plan prepared by <i>Rygate and West</i>			
Drawing No.	Issue	Name of Plan	Date
U11840M Sheet1 of 1	A	Pavement width and Pathway Concept Plan	1 February 2008

except for as otherwise provided by the modifications to this concept plan.

### **A3      *Development in Accordance with Documents***

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* prepared by Peter Le Bas, Sandra Bailey and Gary Peacock of Turnbull Planning International Pty Ltd, on behalf of Elderslie Property Investments, dated September 2007;
- (2) *Transport Report for Proposed Subdivision Dolphin Point* prepared by Colston Budd Hunt & Kafes and dated September 2006 (Appendix to *Environmental Assessment*);
- (3) *Residential Subdivision Dolphin Point, Stages 2 & 3 Water Management Strategy* prepared by Patterson Britton & Partners Pty Ltd and dated September 2006 (Appendix to *Environmental Assessment*);
- (4) *Bushfire Protection Assessment Subdivision Stage 2 Dolphin Point/Burrill Lake City of Shoalhaven* prepared by Bushfire and Environmental Services and dated May 2006 (Appendix to *Environmental Assessment*);
- (5) *Flora and Fauna Assessment Proposed Mixed Use, Residential, Commercial & Recreational Development (Stages 2, 3 and 5) Lot 1 DP 1045990 Princes Highway, Dolphin Point* prepared by Bushfire and Environmental Services and dated October 2006 (Appendix to *Environmental Assessment*);
- (6) *Proposed Stage 2 & 3 Residential Subdivision Lot 1 DP 1045990 Princes Highway, Dolphin Point Shoalhaven* prepared by Network Geotechnics Pty Ltd and dated August 2006 (Appendix to *Environmental Assessment*);
- (7) *Sub-Surface Archaeological Investigation of Stages 2-4 of "The Dairy", a Proposed Residential Development at Dolphin Point, Near Burrill Lake, on the South Coast of New South Wales* prepared by South East Archaeology Pty Ltd and dated June 2005 (Appendix to *Environmental Assessment*);
- (8) *The Dairy Stages 2-5, Dolphin Point Aboriginal Heritage Management Plan* prepared by South East Archaeology Pty Ltd and dated June 2005 (Appendix to *Environmental Assessment*); and
- (9) The Statement of Commitments contained within the *Environmental Assessment Report* prepared by Peter Le Bas, Sandra Bailey and Gary Peacock of Turnbull Planning International Pty Ltd, dated September 2007; and
- (10) As amended by the Preferred Project Report (including attachments), prepared by Turnbull Planning International Pty Ltd and dated 18 February 2008.

### **A4      *Lapsing of Approval***

Approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless Precinct A is physically commenced..

### **A5      *Determination of Future Applications***

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan MP 05\_0016 as described in Part A of Schedule 1 and subject to the recommended modifications and conditions of approval set out in Parts A and B of Schedule 2.

### **A6      *Inconsistency between documents***



In the event of any inconsistency between the modification to this concept plan approval and the drawings/documents referred to above or the Statement of Commitments, the modifications to this concept plan approval prevail.

## **PART B—MODIFICATIONS TO THE CONCEPT PLAN**

### ***B1 Staging***

The order of staging of the development is to be reversed from that shown in the application, with Precinct A to be completed prior to Precinct B.

### ***B2 Restriction on Future Development in Precinct C (Stage 5)***

- (1) Development on Precinct C shall be limited to the three potential development areas identified in the Figure on Page 5 of *Urban Design Review*, prepared by Urbis JHD, dated 17 October 2006, identifying the Stage 5 Development Parcels, being Annexure 4 of the *Environmental Assessment Report* prepared by Peter Le Bas, Sandra Bailey and Gary Peacock on behalf of prepared by Turnbull Planning International Pty Ltd, dated September 2007.
- (2) Future development within the three potential development areas in Precinct C shall be limited to community facilities and structures for educational and recreational purposes which assist in promoting and interpreting the area's ecological values and Aboriginal heritage.
- (3) Future development in Precinct C, outside the three potential development areas (other than works approved in this concept plan) shall be limited to landscaping, roads, drainage works, provision of services, pathways, bushfire trails and bushfire hazard reduction works.
- (4) Any future development as identified above (other than that approved in this concept plan) shall be subject to development consent, as required under Part 4 of the Act.