

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation dated 14 September 2011, I approve the section 75W modification of the concept plan approval referred to in Schedule 1, subject to the modified conditions of consent outlined in Schedule 2.



Chris Ritchie
A/Director
Industry, Key Sites and Social Projects

Sydney *16 MAY* 2014

SCHEDULE 1

Concept Plan Approval:

05_0016 was granted by the Minister for Planning on 12 March 2008 and subsequently modified under delegated authority by the Director, Metropolitan and Regional Projects North on 25 February 2013 (MOD 1 to Concept Plan).

Proponent:

Australian Property Growth Fund Limited

Land:

Lot 11 DP 1104789 and Part Lot 2 DP 1073600 (now known as Lots 2, 3 & 4 in DP 1123774) Wuru Road and Dolphin Point Road, Dolphin Point/Burrill Lake – Shoalhaven local government area.

Project:

Concept Plan approval for a development comprising:-

- (1) Staged subdivision of Precincts A and B into 165 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) Associated with the staged subdivision, dedication of lands in Precincts A and C to the Council.

Modification:

The modification request includes:-

- Update title references;
- Update plan references to reflect new staging;
- Changes to stages such that there is to be 17 stages;
- Change to Precinct references.

SCHEDULE 2

The Concept Plan Approval as described in Schedule 1 is modified as follows:

- (a) **Delete the Table in Part A of Schedule 1 and insert new table:**

PART A—TABLE

Application made by:	Australian Property Growth Limited
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 Lots 2, 3 and 4 DP 1123774
Local Government Area	Shoalhaven
For the carrying out of:	<ol style="list-style-type: none"> 1) Staged subdivision of Precincts A and B into 165 residential allotments in 17 stages; 2) Creation of roads to service the subdivision; 3) Creation and embellishment of one allotment as a central park in Precinct B; 4) Construction of pedestrian/cycle paths through all Precincts; 5) Landscaping; 6) Revegetation works to riparian zones in all Precincts; 7) Provision of services and infrastructure; 8) Associated with the staged subdivision, dedication of lands in Precincts A, B and C to the Council; and 9) Identification of development parcels within Precinct C.
Type of development:	Concept Plan

- (b) **Insert the following note in Part B – Notes relating to the determination of MP No.05_0016:**

“Lapsing of Approval

Schedule 6A of the *Environmental Planning and Assessment Act 1979* makes provision for the lapsing of approvals and approvals of concept plans for transitional Part 3A projects.”

- (c) **Delete the Definitions of *Precinct A*, *Precinct B*, *Precinct C* and *Proponent* in Part C of Schedule 1 and replace with the following:**

PART C—DEFINITIONS

Precinct A means the area referred to as “Stages 1 & 2” generally comprising a residential subdivision of 23 residential lots and associated works and riparian corridors.

Precinct B means the area referred to as “Stages 3 - 17” generally comprising a residential subdivision of 142 residential lots and 1 central park and associated works.

Precinct C means the remainder of the land intended to be dedicated to the Council, generally comprising of works for a fire trail, revegetation works, pedestrian and cycle paths, 1 informal park and associated works, services and bio-retention basin, services and three future development area parcels.

Proponent means Australian Property Growth Limited or any party acting upon this approval.

Changes to Conditions of Approval in Schedule 2:-

(d) **Delete Condition A1 and replace with the new Condition A1 as follows:**

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 title **“Concept Approval Application and Project Application for a Staged Development to Permit Residential and Recreational Development at Dolphin Point”** prepared by Turnbull Planning International Pty Ltd (dated September 2007), including:

- (1) Staged subdivision of Precincts A and B into 165 residential allotments in 17 stages;
- (2) Creation of roads to service the subdivision;
- (3) Creation and embellishment of one allotment as a central park in Precinct B;
- (4) Construction of pedestrian/cycle paths through all Precincts;
- (5) Landscaping;
- (6) Revegetation works to riparian zones in all Precincts;
- (7) Provision of services and infrastructure;
- (8) Associated with the staged subdivision, dedication of lands in Precincts A, B and C to the Council; and
- (9) Identification of development parcels in Precinct C.

(e) **Delete Condition A2 and replace with the new Condition A2 as follows:**

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 Rygate and West			
Drawing No.	Revision	Name of Plan	Date
U11840M Sheet1 of 4	D	Plan of Proposed Subdivision of Lots 2, 3 and 4 DP 1123774 (Note: drawing depicts Indicative Subdivision Layout for Precincts A & B)	13 November 2013
U11840M Sheet 2 of 4	D	Indicative Lot Layout for Precinct A Subdivision	13 November 2013
U11840M Sheet 3 of 4	D	Indicative Lot Layout for Precinct B Subdivision	13 November 2013
U11840M Sheet 4 of 4	D	Plan showing Conceptual Staging for	13 November 2013

4		Precincts A & B.	
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Development Parcels Plan prepared by Urbis JHD			
Figure 5 on Page 5 of Urban Design Review, 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 of Turnbull Planning International Pty Ltd, dated September 2007.			
Drawing No.	Revision	Name of Plan	Date
U11840M Sheet 1 of 1	A	Pavement width and Pathway Concept Plan	1 February 2008

Except for:

- 1) Any modifications which are "Exempt or complying Development" as identified in *Shoalhaven Local Environmental Plan 1985* or as may be necessary for the purposes of compliance with the BCA and any Australian Standards incorporated in the BCA:
- 2) Otherwise provided by the conditions of this approval.

(f) In Condition A3 insert the following additional dot point:

"11) The Modification Request prepared by Rygate & West dated 24 May 2013, correspondence prepared by Rygate & West dated 25 September 2013 and Concept Plan modification request dated 18 February 2014 ('MOD 2')."

(g) Delete Condition B1 and replace with the new Condition B1 as follows:

B1 Staging

The subdivision development shall be carried out generally in accordance with the approved staging plans, in numerical order, referred to in the Conceptual Staging Plan prepared by Rygate and West, Drawing No U11840M Sheet 4 of 4, Revision D dated 13 November 2013.