

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECTS MP 06_0058 & MP 06_0060

(FILE NO. 901569)

**CONCEPT PLAN FOR VINCENTIA COASTAL VILLAGE & PROJECT APPLICATION FOR 604 LOT
RESIDENTIAL SUBDIVISION**

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the Act) determine:

- (a) to grant approval for:
 - (i) the Concept Plan pursuant to section 75O(1) of the Act for the project as described in Schedule 1, subject to the modifications set out in Schedule 2; and
 - (ii) the Project Application pursuant to section 75J(1) of the Act for the project as described in Schedule 3, subject to the conditions set out in Schedule 4.
- (b) That approval to carry out the remainder of the project or stages of the projects with a capital investment value:
 - (i) of \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act; and
 - (ii) less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act.
- (c) That a development application for the project or that stage of the project under Part 4 is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

SIGNED

Frank Sartor MP
Minister for Planning

Sydney, 21 January, 2007

SCHEDULE 1 – CONCEPT PLAN

PART A – CONCEPT PLAN APPROVAL

A1 *Table*

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney)
Application made to:	Minister for Planning
Major Project Number:	06_0060
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Concept Plan for: <ul style="list-style-type: none"> • a 603 lot residential subdivision; • a residential housing development for an adaptable housing area; • commercial development; and • environmental protection measures on the remaining land.
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval will lapse:	10 years from the date of determination

A2 *Approval in detail*

Concept approval is only to the following development:

- (1) a residential development involving:
 - (a) up to 603 residential lots;

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- (b) open space area, comprising water sensitive urban design /asset protection zones and urban parks;
 - (c) at least 48 hectares of environmental conservation areas;
 - (d) an internal road network;
 - (e) three access points to Naval College Road;
 - (f) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing;
 - (g) water sensitive urban design measures and landscaping of public space in streets and parks;
 - (h) closure of unformed roads; and
 - (i) **future housing on each residential lot.**
- (2) for an adaptable housing area adjacent to the Bay and Basin Leisure Centre involving:
- (a) no more than 136 dwellings;
 - (b) an internal road network;
 - (c) access to The Wool Road; and
 - (d) WSUD measures.
- (3) the commercial development being a district town centre identifying:
- (a) indicative building footprints;
 - (b) a total floor area of no more than 32,000 square metres;
 - (c) a range of uses, including a discount department store, supermarket, medical centre, child care centre, restaurants, potential housing and specialty retail;
 - (d) a site (Stage 3) for future retail development; and
 - (e) an indicative road network that includes a main street, access to The Wool Road and access to a proposed road in the subdivision.
- (4) **a display village within Stage 1 of the development involving:**
- (a) **8 display homes and temporary sales office; and**
 - (b) **associated car parking and landscaping.**

A3 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
- (a) *Vincentia: Environmental Assessment Report. February 2006* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd;
 - (b) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 1* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd; and

- (c) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 2* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd.
- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
 - (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, *as amended by Don Fox Planning Pty Ltd dated August 2007, as amended by Don Fox Planning Pty Ltd dated April 2008, as amended by Cardno Forbes Rigby letter dated 22 December 2008, and as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd dated 5 November 2009.*
- (3) In the event of any inconsistencies,
 - (a) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1); and
 - (b) the modifications of the Concept Plan approval identified in Schedule 2 prevail over the documentation listed in (1) and (2) above.

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements

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

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within **3** months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

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

APZ means Asset Protection Zone

Council means Shoalhaven Council.

DEC means the Department of Environment and Conservation NSW

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MP06_0058 MOD 6 & MP06_0060 MOD 6 approved 11 December 2009

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department

Exempt Development and **Complying Development** have the same meaning as defined in the *Environmental Planning and Assessment Act 1979*.

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

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

RFS means the NSW Rural Fire Service

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

SCHEDULE 2 – MODIFICATIONS TO THE CONCEPT PLAN (MP 06_0060)

PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS

A1 *Development in proximity to the Jervis Bay Leek Orchid*

The Concept Plan shall be modified as follows to ensure that adequate separation is provided between development and the habitat of the Jervis Bay Leek Orchid Habitat or its pollinator habitat:

- (a) Development, including structures, buildings, infrastructure and bushfire protection measures, shall not occur within 25 metres of the surveyed habitat of the Jervis Bay Leek Orchid or its pollinator habitat.
- (b) Development for the purposes of a roadway or access way connecting the district centre site with the adaptable housing site is not permitted other than via the Wool Road and the Main Street described in the Concept Plan.

A2 *Survey of Environmental lands and developable lands*

- (1) The Concept Plan shall be modified to define the extent of development. The Proponent shall provide a survey of the Subject Site completed by a registered surveyor that delineates the boundary of the development.
- (2) In satisfying the above, the Proponent shall consult with DEC and use its best endeavours to secure the written agreement of DEC to the boundary of development. The surveyed boundary shall be generally consistent with the concept plan.

A3 *Bushfire Protection*

- (1) Unless otherwise agreed to by the RFS in writing, the Proponent shall demonstrate compliance with the Planning for Bushfire Protection Guidelines.
- (2) The Proponent shall retain ownership and maintenance of the APZ within the land adjacent to Naval College Road and zoned in the *Shoalhaven Local Environmental Plan 1985* as Zone 5(e) Special Uses "E" (Proposed Local Roads Reservation and Widening of Local Road Reservation) Zone the until such time as an agreed entity provides its written agreement to accept the dedication of the APZ.

A4 *Design Excellence*

- (1) The Proponent shall hold a design excellence competition for the district centre. The brief shall be approved by the Director General or his delegate.
- (2) The Proponent shall establish a jury panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain;

- (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency;
 - (d) whether the car parking is designed in a manner that is not visible from any public area including roads and the environmental lands;
 - (e) whether the car park design includes impervious surfaces to allow water filtration.
- (3) The Proponent is to submit the report of the jury panel as part of any future application for development.
- (4) For the purposes of this modification, a ***jury panel*** means a 3 to 5 member panel comprised of appropriately qualified design professionals, chaired by a registered architect.

PART B – FUTURE APPLICATIONS

B1 Adaptable Housing

Future applications lodged by the Proponent for the purposes of adaptable housing shall:

- (a) provide a survey of the Jervis Bay Leek Orchid and its pollinator habitat;
- (b) demonstrate that the development satisfies the requirements of Modification A1, Schedule 2 of the Concept Plan Approval;
- (c) demonstrate that the delineation of the development area is consistent with Modification A2, Schedule 2 of the Concept Plan Approval;
- (d) include a plan for subdivision of the adaptable housing area; and
- (e) demonstrate to the satisfaction of the relevant authority that the development is consistent with the relevant provision of Modification A3, Schedule 1 of the Concept Plan Approval.

B2 District Centre

Future applications lodged by the Proponent for the purposes of the district centre shall:

- (a) demonstrate that the development satisfies the requirements of Modification A1, Schedule 2 of the Concept Plan Approval;
- (b) demonstrate that the delineation of the development area is consistent with Modification A2, Schedule 2 of the Concept Plan Approval; and
- (c) include a plan for subdivision of the district centre area;
- (d) provide a report demonstrating that it satisfies the requirements of Modification A4, Schedule 2 of the Concept Plan Approval; and
- (e) demonstrate to the satisfaction of the relevant authority that appropriate APZs have been implemented to minimise the district centre from the risk associated with bushfires.

B3 Dwelling Houses

- (1) In accordance with section 75P of the Act, future applications for dwelling houses (including alterations and additions) on single lots shall either:
 - (a) obtain a complying development certificate under Part 4 of the *EP&A Act* which complies with the exempt and complying development provisions contained in the document titled “Exempt and Complying Development Vincentia Coastal Village” prepared by Don Fox Planning Pty Ltd dated 8 July 2008; or
 - (b) obtain development consent under Part 4 of the Act by submitting a development application to Shoalhaven City Council.
- (2) Prior to submitting an application for a dwelling house under condition B3(1) the applicant or owner must obtain written correspondence from Stockland, issued within 5 days of receipt of a request, confirming that the proposed dwelling house meets the design guidelines titled “Bayswood Design Essentials” prepared by Stockland Pty Ltd dated 10 December 2009. Amendments may be made to the “Bayswood Design Essentials” from time to time, but only with the approval of the Director-General.
- (3) In determining a development application under Part 4 of the Act, the consent authority shall take into consideration:
 - (a) the document titled “Exempt and Complying Development Vincentia Coastal Village” prepared by Don Fox Planning Pty Ltd and dated 8 July 2008;
 - (b) the design guidelines referred to in condition B3(2);
 - (b) *Shoalhaven Development Control Plan No 91 – Single Dwellings and Ancillary Structures – Minimum Building Requirements*; and
 - (c) written correspondence from Stockland required under condition B3(2).
- (3) In determining a complying development certificate under Part 4 of the Act, the accredited certifier shall ensure that:
 - (a) the development complies with the provisions set out in the document titled “Exempt and Complying Development Vincentia Coastal Village” prepared by Don Fox Planning Pty Ltd dated 8 July 2008; and
 - (b) the applicant or owner has obtained written correspondence from Stockland required under condition B3(2).

SCHEDULE 3 – PROJECT APPLICATION

PART A – PROJECT APPROVAL

A1 *Table*

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney)
Application made to:	Minister for Planning
Major Project Number:	06_0058
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Project Application for a 603 lot residential subdivision
Capital Investment Value:	\$150 million
Type of development:	Project approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Project approval is granted subject to the conditions in the attached Schedule 4
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval will lapse:	5 years from the date of determination

A2 *Approval in detail*

Project Application approval is granted only to the following development being carried out:

- (a) a 603 residential lot subdivision;
- (b) an open space area of at least 60 hectares, comprising:
 - (i) water sensitive urban design /asset protection zones and urban parks; and
 - (ii) at least 48 hectares of environmental conservation areas;
- (c) an internal road network;
- (d) three access points to Naval College Road;

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- (e) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing;
- (f) the construction and operation of the display village for Stage 1 of the residential development comprising:
 - (i) 8 display homes and temporary sales office; and
 - (ii) car parking, landscaping and other works associated with the establishment of the display village;
- (g) water sensitive urban design measures and landscaping of public space in streets and parks; and
- (h) closure of unformed roads.

A3 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Vincentia: Environmental Assessment Report. February 2006* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd;
 - (b) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 1* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd; and
 - (c) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 2* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd.
- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
 - (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, [as amended by Don Fox Planning Pty Ltd dated August 2007](#), [as amended by Cardno Forbes Rigby letter dated 22 December 2008](#), [and as amended by Cardno Forbes Rigby letter dated 12 March 2009](#), [as amended by Don Fox Planning Pty Ltd dated 5 November 2009](#).
- (3) In the event of any inconsistencies,
 - (a) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1); and
 - (b) the conditions of the Project Application approval identified in Schedule 4 prevail over the documentation listed in (1) and (2) above.

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements

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

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within **3** months after the date on which the Proponent(s) received this notice.

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Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

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

Council means Shoalhaven Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

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

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

SCHEDULE 4 – CONDITIONS TO THE PROJECT APPLICATION (MP 06_0058)

PART A – CONDITIONS OF APPROVAL

A1 *Residue land*

For the purposes of clarification, this approval limits subdivision and subdivision works for the following to lands shown highlighted as “Project Approval” shown on the plan labelled “Application Definition Plan” in the *Vincentia: Environmental Assessment Report. February 2006*:

- (a) a 603 residential lot subdivision;
- (b) an open space area of at least 60 hectares, comprising:
 - (i) water sensitive urban design /asset protection zones and urban parks; and
 - (ii) at least 48 hectares of environmental conservation areas;
- (c) an internal road network;
- (d) three access points to Naval College Road;
- (e) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing; and
- (f) water sensitive urban design measures and landscaping of public space in streets and parks.

A2 *Water quality*

The Project Application is amended in regards to water quality standards as follows:

- (a) The Proponent shall engage a suitably qualified professional to conduct regular water quality monitoring during the construction period on 3 monthly basis.
- (b) The Proponent is to provide a report from the suitably qualified professional on the water quality monitoring to the Jervis Bay Marine Park Authority, Council and any other relevant agency.
- (c) The Report provided in (b) above shall include:
 - (i) an assessment of the data against relevant water quality standards;
 - (ii) identify any instance where the water quality results exceed the relevant standards; and
 - (iii) identify all appropriate mitigation measures made to comply with the relevant standards in the event of their being exceeded.

A3 *Certificates*

- (1) Prior to issuing of a subdivision certificate, the Proponent shall provide a survey report to the relevant certifying authority in accordance with Modification A2, Part A, Schedule 2 of the Instrument of Approval for the Concept Plan.
- (2) The relevant certifying authority shall not issue a subdivision certificate for any subdivision for the purposes of residential lots, roads, or infrastructure that occurs within an area identified as being for environmental purposes

in the survey report.

- (3) Before the issue of any relevant certificate, the Proponent is to demonstrate compliance that Shoalhaven Water's requirements pursuant to the *Water Management Act 2000* have been met.

A4 Developer Contributions

- (1) Pursuant to Division 6 of Part 4 of the Act, a total monetary contribution shall be paid by the Proponent to Council of \$2,530,235 (current to October 2005).
- (2) The portion of the contribution, referred to in A4(1), applicable to each stage of the development shall be paid prior to the issue of a subdivision certificate for the relevant stage and shall be indexed in accordance with Shoalhaven City Council's Section 94 Plan at the time of actual payment.

Note: The contribution value identified within condition A4 is based on Appendix B of the *Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre* (2006) as amended in October 2006. The figure has been adjusted to reflect changes to the total number of lots approved through modification of the original project approval. This figure is subject to CPI indexing.

A5 Road Design

The road design shall be amended to enlarge the hammerheads of the two cul-de-sacs adjacent to Moona Creek Road to ensure appropriate access arrangements for garbage collection, to the satisfaction of Council, prior to commencement of subdivision works.

A6 Geotechnical Assessment

- (1) Prior to release of any linen plan of subdivision, the Proponent must lodge with Council an earthworks plan certified by a registered surveyor identifying where excavation or fill greater than 300mm depth has been undertaken as part of the subdivision works.
- (2) A section 88B instrument must be registered with the subdivision certificate for each stage for individual lots where excavations or fill greater than 300mm depth have been undertaken as part of the subdivision works including a restriction that lot based geotechnical assessment is carried out prior to construction of a dwelling, and that any dwelling must be designed in accordance with the lot based geotechnical report and the relevant requirements of AS2870 – residential slabs and footings.