

# Modification of Minister's Approval

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

I, the Director-General of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 4 March 2009, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.

  
Director-General  
As delegate for the Minister for Planning

Sydney, 20<sup>th</sup> April 2009

### SCHEDULE 1

**Concept & Project Approval:** granted by the Minister for Planning on 25 January 2007, as amended by modification approvals granted on 8 October 2007, 9 July 2008, 6 February 2009, and 13 February 2009.

**In respect of:** Major Project MP06\_0060 and MP006\_0058 made by Stockland Developments Pty Ltd for land located at the corner of Wool Road and Naval College Road, Vincentia (Shoalhaven LGA)

**For the following:**

A concept plan involving:

- a 607 lot residential subdivision;
- a residential development for adaptable housing;
- commercial development; and
- environmental protection measures on the remaining land.

A project application for a 607 lot residential subdivision.

**Modification:** Modification of the concept and project approval to adjust the lot layout reducing the total number of lots by 4 (totalling 603 residential lots)

## SCHEDULE 2

The Concept Approval is modified by:

1. Delete Part A, A1 and replace with:

### **A1 Table**

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

2. Delete Part A, A2(1)(a) and replace with:

- a) up to 603 residential lots.

3. Delete Part A, A3(2)(a) and replace with:

- 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.

**The Project Approval is modified by:**

1. Delete Part A, A1 and replace with:

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

2. Delete Part A, A2(a) and replace with:  
a) A 603 lot residential subdivision.

4. Delete Part A, A3(2)(a) and replace with:

- 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.

5. Delete Schedule 4, A1(a) and replace with  
a) A 603 lot subdivision.

6. Delete Schedule 4, A4 and replace with

**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.