

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation, dated 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.


Alan Bright
A/ Director
Metropolitan & Regional Projects South

Sydney

20 JULY 2012

SCHEDULE 1

Application No.:	MP06_0090.
Proponent:	Evelution Pty Ltd.
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lots 118 and 119 DP 751258 Jamieson Road, Nowra
Project:	35 Lot Subdivision with associated Roads and Civil Works
Modification (Mod 3):	Amend the approval conditions to allow for staging of the subdivision. Stage 1 includes lots 1 to 21 and lots 29 to 32 and the residue lot. Stage 2 includes lots 22 to 28, and lots 33, 34 and 35 to be dedicated to Shoalhaven City Council.

SCHEDULE 2

The development consent is modified by:

1. Replace existing condition A1 in Schedule 2 with the following:

A1 Development Description

- (1) 33 Torrens Title residential lots (Lots 1-33);
- (2) 1 lot to be dedicated to Shoalhaven City Council, to include riparian zone, asset protection zone and ecologically sensitive land (Lot 35);
- (3) 1 lot to be dedicated to Shoalhaven City Council for the proposed North Nowra Link Road (Lot 34);
- (4) 2 new access roads (perimeter road and internal road) and associated civil works; and
- (5) The development is to be undertaken in 2 stages as follows:
 - a. Stage 1 of the proposal involves - lots 1-21 and lots 29-32; and
 - b. Stage 2 of the proposal involves – lots 22-28, lot 33 and lots 34/35 to be dedicated to Council.

2. Insert new condition A7 immediately after A6 in Schedule 2:

A7 Staging

The conditions prescribed for each part in Schedule 2 shall be undertaken for each relevant stage of development as outlined in Condition A1.

3. Delete existing condition B13 in Schedule 2:

B13 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions:

(1) Amount of Contribution

Contribution Category	Rate of Contribution	Amount
Tennis, Football, Cricket (area 1)	\$2027.00 per ET	\$66,891.00
Basketball & Netball (areas 1 & 2)	\$406.66 per ET	\$13,419.78
Multi-purpose Child Care Centre – North Nowra	\$147.43 per ET	\$4861.89
Community Hall – North Nowra	\$97.76 per ET	\$3226.08
Community Centre Nowra – Nowra District Community Centre	\$256.11 per ET	\$8451.63
Nowra District Integrated Youth Services Centre	\$55.42 per ET	\$1828.86
Illaroo – Fire Control	\$42.50 per ET	\$1402.50
City Wide – Fire/Control/State Emergency Services	\$29.77 per ET	\$982.41
North Nowra Link Road, Bridge and Traffic Facilities	\$1574.22 per ET	\$51,949.26
Hockey Facilities	\$262.12 per ET	\$8649.96
Shoalhaven City Library Extensions	\$243.11 per ET	\$8022.63
Shoalhaven City arts Centre	\$21.99 per ET	\$725.67
Shoalhaven Mobile Children's Services	\$7.21 per ET	\$237.93
Shoalhaven Multi-purpose Cultural and Convention Centre	\$550.19 per ET	\$18,156.27
Section 94 Administration	\$366.00 per ET	\$12,078.00
Embellishment of Icon and District Parks Walking Tracks	\$140.96 per ET	\$4651.68
Northern Shoalhaven Integrated Children's Services, cnr Osborne &	\$39.44 per ET	\$1301.52

Worrigeer Street, Nowra New Project		
Northern Shoalhaven Community Transport and Family Support Services, Park Road, East Nowra, New Recoupment Project	\$11.30 per ET	\$372.90
TOTAL		\$207,209.97

(2) Timing and Method of Payment

~~The contribution shall be paid in the form of cash or bank cheque, made out to Shoalhaven City Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Shoalhaven City Council.~~

~~Evidence of the payment to Shoalhaven City Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for subdivision works.~~

(3) Indexing

~~The contribution for land will be adjusted in accordance with the latest annual valuations.~~

2. Insert new condition B23 immediately after condition B22 in Schedule 2

B23 Temporary Turning Bays

Construction of a temporary vehicle area within the proposed reserve suitable for service vehicles and RFS at the end of the northern leg of road 1. The turning area should be:

- a) Constructed with a 200mm gravel pavement and is to be maintained in good repair by the developer until the through road is constructed and dedicated as a public road; and
- b) Delineated by the use of guideposts a maximum 5m spacing with a D4-DA sight board at end of each leg (for a 'Y' turn facility) or end of the centreline (for a temporary cul-de-sac).

Prior to the release of the subdivision certificate for Stage 2, The turning facility, shall be removed to the satisfaction of Council including, but not limited to:

- Reinstating the verge; and
- Repairing any damage to Council's and / or Service providers assets.

4. Insert new condition E2a immediately after E2 in Schedule 2:

E2a Easements for Drainage over Unconstructed Stages

The provision of suitable easements over future stages for drainage discharge from constructed stages. All easements must extend to a natural watercourse; existing drainage structure or easement or suitable approved overland flow spreader. Existing easements not in the overall design may require construction of upgrading to take the flows.

5. Insert new condition F4 immediately after F3 in Schedule 2:

F4 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following contributions:

(1) Amount of Contribution

Stage 1

Contribution Category	Rate of Contribution	Amount
Tennis, Football, Cricket (area 1)	\$2,503.78	\$62,594.50

Basketball & Netball (areas 1 & 2)	\$502.16	\$12,554.00
Multi-purpose Child Care Centre – North Nowra	\$182.04	\$4,551.00
Community Hall – North Nowra	\$120.71	\$3,017.75
Community Centre Nowra – Nowra District Community Centre	\$316.26	\$7,906.50
Nowra District Integrated Youth Services Centre	\$68.43	\$1,710.75
Illaroo – Fire Control	\$52.48	\$1,312.00
City Wide – Fire/Control/State Emergency Services	\$36.76	\$919.00
North Nowra Link Road, Bridge and Traffic Facilities	\$1,943.93	\$48,598.25
Hockey Facilities	\$323.69	\$8,092.25
Stage 1: Shoalhaven City Library Extensions	\$300.20	\$7,505.00
Stage 2: Shoalhaven City arts Centre	\$27.15	\$678.75
Stage 3: Shoalhaven Mobile Children's Services	\$8.90	\$222.50
Shoalhaven Multi-purpose Cultural and Convention Centre	\$679.41	\$16,985.25
Section 94 Administration	\$451.95	\$11,298.75
Embellishment of Icon and District Parks Walking Tracks	\$174.07	\$4,351.75
Northern Shoalhaven Integrated Children's Services	\$48.71	\$1,217.75
Northern Shoalhaven Community Transport and Family Support Services	\$13.95	\$348.75
TOTAL		\$193,864.50

Stage 2

Contribution Category	Rate of Contribution	Amount
Tennis, Football, Cricket (area 1)	\$2,503.78	\$30,030.24
Basketball & Netball (areas 1 & 2)	\$502.16	\$4,017.28
Multi-purpose Child Care Centre – North Nowra	\$182.04	\$1,456.32
Community Hall – North Nowra	\$120.71	\$965.68
Community Centre Nowra – Nowra District Community Centre	\$316.26	\$2,530.08
Nowra District Integrated Youth Services Centre	\$68.43	\$547.44
Illaroo – Fire Control	\$52.48	\$419.84
City Wide – Fire/Control/State Emergency Services	\$36.76	\$294.08
North Nowra Link Road, Bridge and Traffic Facilities	\$1,943.93	\$15,551.44
Hockey Facilities	\$323.69	\$2,589.52
Stage 1: Shoalhaven City Library Extensions	\$300.20	\$2,401.60
Stage 2: Shoalhaven City arts Centre	\$27.15	\$217.20
Stage 3: Shoalhaven Mobile Children's Services	\$8.90	\$71.20
Shoalhaven Multi-purpose Cultural and Convention Centre	\$679.41	\$5,435.28
Section 94 Administration	\$451.95	\$3,615.60
Embellishment of Icon and District	\$174.07	\$1,392.56

Parks Walking Tracks		
Northern Shoalhaven Integrated Children's Services	\$48.71	\$389.68
Northern Shoalhaven Community Transport and Family Support Services	\$13.95	\$111.60
TOTAL		\$62,036.64

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Shoalhaven City Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Shoalhaven City Council.

Evidence of the payment to Shoalhaven City Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for subdivision works.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

6. Insert new condition F5 immediately after F4 in Schedule 2:

F5 Water and sewer (\$64) Contributions

Shoalhaven Water advise that monetary contributions for each stage is as follows;

Water Supply Developer Charges – contribution of \$6,386.00 per lot (2011/12) is payable for this application. This application has been based on the 33 residential lots, therefore a total contribution of \$210, 738.00 (2011/12) is applicable. The total amount payable for each stage is as follows:

Stage	Lots	Amount Payable (\$6,386.00 per lot)
1	25	\$159,650
2	8	\$51,088
Total	33	\$210,738

Sewer Service Developer Charges – contribution of \$8096.00 per lot (2011/12) is payable for this application. This application has been based on the 33 residential lots, therefore a total contribution of \$267,168.00 (2011/12) is applicable. The total amount payable for each stage is as follows:

Stage	Lots	Amount Payable (\$8096.00 per lot)
1	25	\$202,400
2	8	\$64,768
Total	33	\$267,168

(1) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Shoalhaven Water.

Evidence of the payment to Shoalhaven Water shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for subdivision works.

(2) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

SCHEDULE 3

Statement of Commitments

1. Replace existing Statement of Commitments 1. General in Schedule 3 with the following:

	Item	Commitment	Timing
8.	Bushfire risk	<p><u>Provision of asset protection zones</u></p> <ul style="list-style-type: none"> The developer will establish and maintain asset protection zones for each stage as outlined in planning for bushfire protection 2006. (PFBP 2006) For stage 1 the developer will create an easement for bush fire APZs burdening the owner of undeveloped portions (stage 2) for lots 32 and lots 12 to 21 inclusive. APZ treatment for no through roads will be in accordance with planning for bush fire protection 2006. The developer will install relevant infrastructure as required, including fire hydrants. <p><u>Bushfire Management Plan</u></p> <ul style="list-style-type: none"> A bushfire management plan will be prepared for the management of the APZ and management of bushfire hazard within land to be dedicated to council (ie proposed lots 34/35) A bushfire management plan will be prepared for the management of the APZ and management of bushfire hazard within land to be dedicated to council (ie proposed lots 34/35) <p><u>Restriction as to user</u></p> <ul style="list-style-type: none"> The developer will impose a section 88B restriction as to user on the title of relevant allotments, specifying a level of construction in accordance with the requirement PFBP 2006 	<p>Prior to the issue subdivision certificate and for the duration of the developments.</p> <p>Prior to the issue subdivision certificate and for the duration of the developments.</p> <p>Prior to the issue subdivision certificate and for the duration of the developments.</p> <p>Prior to the issue subdivision certificate and for the duration of the developments.</p> <p>Prior to the issue subdivision certificate for each stage and for the duration of the developments.</p> <p>Apon dedication of proposed lots 34 and 35 in stage 2 of the development and prior to the release of the subdivision certificate for that stage</p> <p>On registration of the plan of subdivision for each stage</p>