

Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Modification Assessments

Sydney 21 DECEMBER 2017

SCHEDULE 1

Project Approval: MP 08_0194 granted by the Planning and Assessment Commission on 11 August 2013

For the following: Kings Forest Residential Subdivision Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5, including:

- subdivision of the site into ten development lots in 4 stages;
- bulk earthworks across the site;
- roadworks comprising:
 - construction of the entrance road and associated intersection works with Tweed Coast Road
 - construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through the western site precincts; and
 - construction of two roads providing access to the southern site precincts;
- Plan of Development for Precinct 5;
- development of 998 sqm of floorspace for a service station and food and drink premises and access arrangements to Precinct 1;
- construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5;
- subdivision of Precinct 5 into 376 residential lots comprising:
 - one townhouse lot (7,860sqm)
 - 37 terrace house lots (minimum lot size 150sqm)
 - 25 duplexes (minimum lot size 450sqm)
 - 192 zero lot dwellings (minimum lot size 240sqm)
 - 121 traditional detached dwellings (minimum lot size 400sqm)

Proponent: Project 28 Pty Ltd.

Approval Authority: Minister for Planning

The Land: Kings Forest Estate

Lot 76, 272, 323 and 326 of DP 755701;
Lot 6 DP 875446;
Lot 2 DP 819015;
Lot 1 DP 706497;
Lot 40 DP 7482;
Lot 38A DP 13727;
Lot 38B DP 13727;
Lot 1 DP 129737;
Lot 1 DP 781633;
Lot 7 DP 875447;
Lot 37A DP 13727,
Lot 2 DP 1159231 (closed road)
Lot 1 DP 1178256 (closed road); and,
Lot 1, 2 & 3 DP 11757616 (closed roads).

Modification:

MP 08_0194 MOD 6: the modification includes:

- Amendment to Condition 26 to alter the timing for the construction of the roundabout at the intersection of Tweed Coast Road and Kings Forest Parkway
- Amendment to Condition 116 to correct an error in the description of the inner protection area (IPA) for Precinct 1
- Amendment to Condition 154(c) to apply the 40 per cent employment generating incentive discount to the development contributions for the service station and associated food and drink premises within Precinct 1.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part Two – Bulk Earthworks and Civil Works (All Precincts), Condition 26 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

Intersections

26. A two lane roundabout shall be constructed in general accordance with Mortons Urban Solutions Drawing Number 12301-EMAW-101 (Amendment D) at the intersection of Tweed Coast Road and the Kings Forest Parkway prior to the release of the first residential lot in Precinct 5, or the ~~development of~~ **issue of the first Occupation Certificate for development within** Precinct 1, **whichever occurs first.**

- (b) Schedule 2 Part Three – Construction of Service Station/Food and Drink Premises (Precinct 1), Condition 116 is amended by of the insertion of **bold and underlined** words and deletion of the ~~struckout~~ words/numbers as follows:

Bushfire Management

116.

- 1) Prior to the issue of the first Construction Certification for development in Precinct 1, a plan identifying the final location of the IPA must be prepared in consultation with the RFS and Council and submitted to the Secretary for approval.**

2) Prior to the commencement of works and in perpetuity, the entire area north-west of the Koala exclusion fence **identified in the plan approved by the Secretary under Condition 116(1) shown on the diagram titled 'Proposed Site Plan' prepared by Push (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016)** excluding the 10 metres wide vegetated buffer along the northern boundary, must be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006 (PBP 2006)* and the NSW Rural Fire Service's document Standards for asset protection zones. **In addition, all planting within the IPA must be in accordance with section A2.2(vi) of PBP 2006.**

- (c) Schedule 2 Part Four – Subdivision of Precinct 5 (Lot 2) Condition 154 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the struckout words/numbers in the table as follows:

Section 94 Developer Contributions

154.

- a) Contributions plans relevant to the project include:
- i. CP04 Section 94 Plan No.4 – Tweed Road Contribution Plan
 - ii. CP11 Section 94 Contribution Plan No. 11 – Shire Wide Library Facilities
 - iii. CP12 Section 94 Plan No.12 – Bus Shelters
 - iv. CP13 Section 94 Plan No.13 – Environ Cemetery
 - v. CP18 Section 94 Plan No.18 – Council Administration Offices and Technical Support Facilities
 - vi. CP19 Section 94 Plan No. 19 – Casuarina Beach / Kings Forest
 - vii. CP22 Section 94 Plan No. 22 – Cycleways
 - viii. CP26 Section 94 Plan No. 26 – Shirewide Regional Open Space
- b) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued unless all Section 94 Contributions have been paid and the Certifying Authority has sighted council's "Contribution Sheet" signed by an authorised officer of council. These charges include indexation provided for in the Section 94 Plan, and will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of payment.
- c) **All contributions for Stage 1 - Precinct 1 are applicable as at the date of determination for MP 08 0194 MOD 6 only, and thereafter in accordance with the rates applicable in the current version/edition of CP04 Section 94 Plan No.4 – Tweed Road Contribution Plan current at the time of payment.**
- d) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

Stage 1 – Precinct 1

| | Trips/ET | Rate per <u>trip (less 40 per cent employment generating discount contained in Council's Business Investment Policy, Ver 2.0, commenced 1 December 2016)</u> /ET | Total Contribution |
|-----------------------|----------------|---|--|
| S94 Plan No. 4 (7)*** | 680.2213 trips | \$1395 per trip <u>\$1231 per trip - 40% = \$738.60</u> | \$948,908.71 <u>\$502,411.45</u> |

| | | | |
|-----------------|-----|-----|-----|
| S94 Plan No. 18 | N/A | N/A | N/A |
|-----------------|-----|-----|-----|

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(1)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 647.4 Trips | \$1186 per trip | \$767,816 |
| S94 Plan No.11 | 101.25 ET | \$838 per ET | \$ 84,848 |
| S94 Plan No.12 | 101.25 ET | \$64 per ET | \$ 6,840 |
| S94 Plan No. 13 | 101.25 ET | \$123 per ET | \$ 12,454 |
| S94 Plan No. 18 | 101.25 ET | \$1860.31 per ET | \$188,356.39 |
| S94 Plan No. 19 Community Facilities | 101.25 ET | \$2263 per ET | \$229,129 |
| S94 Plan No. 22** | 101.25 ET | \$437 per ET | \$ 47,891 |
| S94 Plan No. 26 | 101.25 ET | \$1091 per ET | \$110,464 |
| S94 Plan No. 26 Structured | 101.25 ET | \$3830 per ET | \$387,778 |

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Stage 2 – Precinct 5 – Sub Stage 2(2)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 156 Trips | \$1186 per ET | \$185,016 |
| S94 Plan No.11 | 25.375 ET | \$838 per ET | \$ 21,264 |
| S94 Plan No.12 | 25.375 ET | \$64 per ET | \$ 1,624 |
| S94 Plan No. 13 | 25.375 ET | \$123 per ET | \$ 3,121 |
| S94 Plan No. 18 | 25.375 ET | \$1860.31 per ET | \$ 47,205.37 |
| S94 Plan No. 19 Community Facilities | 25.375 ET | \$2263 per ET | \$ 57,424 |
| S94 Plan No. 22** | 25.375 ET | \$473 per ET | \$ 12,002 |
| S94 Plan No. 26 | 25.375 ET | \$1091 per ET | \$ 27,684 |
| S94 Plan No. 26 Structured | 25.375 ET | \$3830 per ET | \$ 97,186 |

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Stage 2 – Precinct 5 – Sub Stage 2(3)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|-------------------------|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 98.8 Trips | \$1186 per ET | \$117,177 |
| S94 Plan No.11 | 15.75 ET | \$838 per ET | \$ 13,119 |
| S94 Plan No.12 | 15.75 ET | \$64 per ET | \$ 1,008 |

| | | | |
|--|----------|------------------|--------------|
| S94 Plan No. 13 | 15.75 ET | \$123 per ET | \$ 1,937 |
| S94 Plan No. 18 | 15.75 ET | \$1860.31 per ET | \$ 29,299.88 |
| S94 Plan No. 19 Community Facilities | 15.75 ET | \$2263 per ET | \$ 35,642 |
| S94 Plan No. 22** | 15.75 ET | \$473 per ET | \$ 7,450 |
| S94 Plan No. 26 | 15.75 ET | \$1091 per ET | \$ 17,183 |
| S94 Plan No. 26 Structured | 15.75 ET | \$3830 per ET | \$ 60,323 |

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Stage 2 – Precinct 5 – Sub Stage 2(4)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 265.2 Trips | \$1186 per ET | \$314,527 |
| S94 Plan No.11 | 43 ET | \$838 per ET | \$ 36,034 |
| S94 Plan No.12 | 43 ET | \$64 per ET | \$ 2,752 |
| S94 Plan No. 13 | 43 ET | \$123 per ET | \$ 5,289 |
| S94 Plan No. 18 | 43 ET | \$1860.31 per ET | \$ 79,993.33 |
| S94 Plan No. 19 Community Facilities | 43 ET | \$2263 per ET | \$ 97,309 |
| S94 Plan No. 22** | 43 ET | \$473 per ET | \$ 20,339 |
| S94 Plan No. 26 | 43 ET | \$1091 per ET | \$ 46,913 |
| S94 Plan No. 26 Structured | 43 ET | \$3830 per ET | \$164,690 |

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Stage 2 – Precinct 5 – Sub Stage 2(5)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 384.8 Trips | \$1186 per ET | \$456,373 |
| S94 Plan No.11 | 59.75 ET | \$838 per ET | \$ 50,071 |
| S94 Plan No.12 | 59.75 ET | \$64 per ET | \$ 3,824 |
| S94 Plan No. 13 | 59.75 ET | \$123 per ET | \$ 7,349 |
| S94 Plan No. 18 | 59.75 ET | \$1860.31 per ET | \$ 111,153.52 |
| S94 Plan No. 19 Community Facilities | 59.75 ET | \$2263 per ET | \$ 135,214 |
| S94 Plan No. 22** | 59.75 ET | \$473 per ET | \$ 28,262 |
| S94 Plan No. 26 | 59.75 ET | \$1091 per ET | \$ 65,187 |
| S94 Plan No. 26 Structured | 59.75 ET | \$3830 per ET | \$228,843 |

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Stage 2 – Precinct 5 – Sub Stage 2(6)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 153.4 Trips | \$1186 per ET | \$181,932 |
| S94 Plan No.11 | 25.25 ET | \$838 per ET | \$ 21,160 |
| S94 Plan No.12 | 25.25 ET | \$64 per ET | \$ 1,616 |
| S94 Plan No. 13 | 25.25 ET | \$123 per ET | \$ 3,106 |
| S94 Plan No. 18 | 25.25 ET | \$1860.31 per ET | \$ 46,972.83 |
| S94 Plan No. 19 Community Facilities | 25.25 ET | \$2263 per ET | \$ 57,141 |
| S94 Plan No. 22** | 25.25 ET | \$473 per ET | \$ 11,943 |
| S94 Plan No. 26 | 25.25 ET | \$1091 per ET | \$ 27,548 |
| S94 Plan No. 26 Structured | 25.25 ET | \$3830 per ET | \$ 96,708 |

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Stage 2 – Precinct 5 – Sub Stage 2(7)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 322.4 Trips | \$1186 per ET | \$382,366 |
| S94 Plan No.11 | 51.25 ET | \$838 per ET | \$ 42,948 |
| S94 Plan No.12 | 51.25 ET | \$64 per ET | \$ 3,280 |
| S94 Plan No. 13 | 51.25 ET | \$123 per ET | \$ 6,304 |
| S94 Plan No. 18 | 51.25 ET | \$1860.31 per ET | \$ 95,340.89 |
| S94 Plan No. 19 Community Facilities | 51.25 ET | \$2263 per ET | \$ 115,979 |
| S94 Plan No. 22** | 51.25 ET | \$473 per ET | \$ 24,241 |
| S94 Plan No. 26 | 51.25 ET | \$1091 per ET | \$ 55,914 |
| S94 Plan No. 26 Structured | 51.25 ET | \$3830 per ET | \$196,288 |

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Stage 2 – Precinct 5 – Sub Stage 2(8)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|-------------------------|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 208 Trips | \$1186 per ET | \$246,688 |
| S94 Plan No.11 | 34.75 ET | \$838 per ET | \$ 29,121 |
| S94 Plan No.12 | 34.75 ET | \$64 per ET | \$ 2,224 |
| S94 Plan No. 13 | 34.75 ET | \$123 per ET | \$ 4,274 |
| S94 Plan No. 18 | 34.75 ET | \$1860.31 per ET | \$ 64,645.77 |

| | | | |
|--|----------|---------------|-----------|
| S94 Plan No. 19 Community Facilities | 34.75 ET | \$2263 per ET | \$ 78,639 |
| S94 Plan No. 22** | 34.75 ET | \$473 per ET | \$ 16,437 |
| S94 Plan No. 26 | 34.75 ET | \$1091 per ET | \$ 37,912 |
| S94 Plan No. 26 Structured | 34.75 ET | \$3830 per ET | \$133,093 |

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Stage 2 – Precinct 5 – Sub Stage 2(9)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 182 Trips | \$1186 per ET | \$215,852 |
| S94 Plan No.11 | 30.75 ET | \$838 per ET | \$ 25,769 |
| S94 Plan No.12 | 30.75 ET | \$64 per ET | \$ 1,968 |
| S94 Plan No. 13 | 30.75 ET | \$123 per ET | \$ 3,782 |
| S94 Plan No. 18 | 30.75 ET | \$1860.31 per ET | \$ 57,204.53 |
| S94 Plan No. 19 Community Facilities | 30.75 ET | \$2263 per ET | \$ 69,587 |
| S94 Plan No. 22** | 30.75 ET | \$473 per ET | \$ 14,545 |
| S94 Plan No. 26 | 30.75 ET | \$1091 per ET | \$ 33,548 |
| S94 Plan No. 26 Structured | 30.75 ET | \$3830 per ET | \$117,773 |

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Stage 2 – Precinct 5 – Sub Stage 2(10)

| | Trips/ET | Rate per trip/ET | Total Contribution |
|--|-----------------|-------------------------|---------------------------|
| S94 Plan No.4 (7)*** | 78 Trips | \$1186 per ET | \$ 92,508 |
| S94 Plan No.11 | 17.5 ET | \$838 per ET | \$ 14,665 |
| S94 Plan No.12 | 17.5 ET | \$64 per ET | \$ 1,120 |
| S94 Plan No. 13 | 17.5 ET | \$123 per ET | \$ 2,153 |
| S94 Plan No. 18 | 17.5 ET | \$1860.31 per ET | \$ 32,555.43 |
| S94 Plan No. 19 Community Facilities | 17.5 ET | \$2263 per ET | \$ 39,603 |
| S94 Plan No. 22** | 17.5 ET | \$473 per ET | \$ 8,278 |
| S94 Plan No. 26 | 17.5 ET | \$1091 per ET | \$ 19,093 |
| S94 Plan No. 26 Structured | 17.5 ET | \$3830 per ET | \$ 67,025 |

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End of Modification