



Planning &
Infrastructure

**MODIFICATION REQUEST:
Residential Subdivision
Bevian Road, Rosedale
05_0199 MOD 1**



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

April 2013

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1. SITE & BACKGROUND

This report is an assessment of a request to modify the concept plan approval for Major Project 05_0199 involving a 792 lot residential subdivision, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The modification request seeks to extend the date on which the concept plan approval is liable to lapse.

The site is formally described as lots 11, 29, part 32, 72, 102, 118, 119 and part 213 in DP 755902, lot 2 in DP 627034 and lot 2 in DP 623340 at Bevia Road, Rosedale in the Eurobodalla local government area.

The site is approximately 174ha and mostly cleared. It is located approximately 1km east from Rosedale town centre. **Figure 1** shows a location plan.

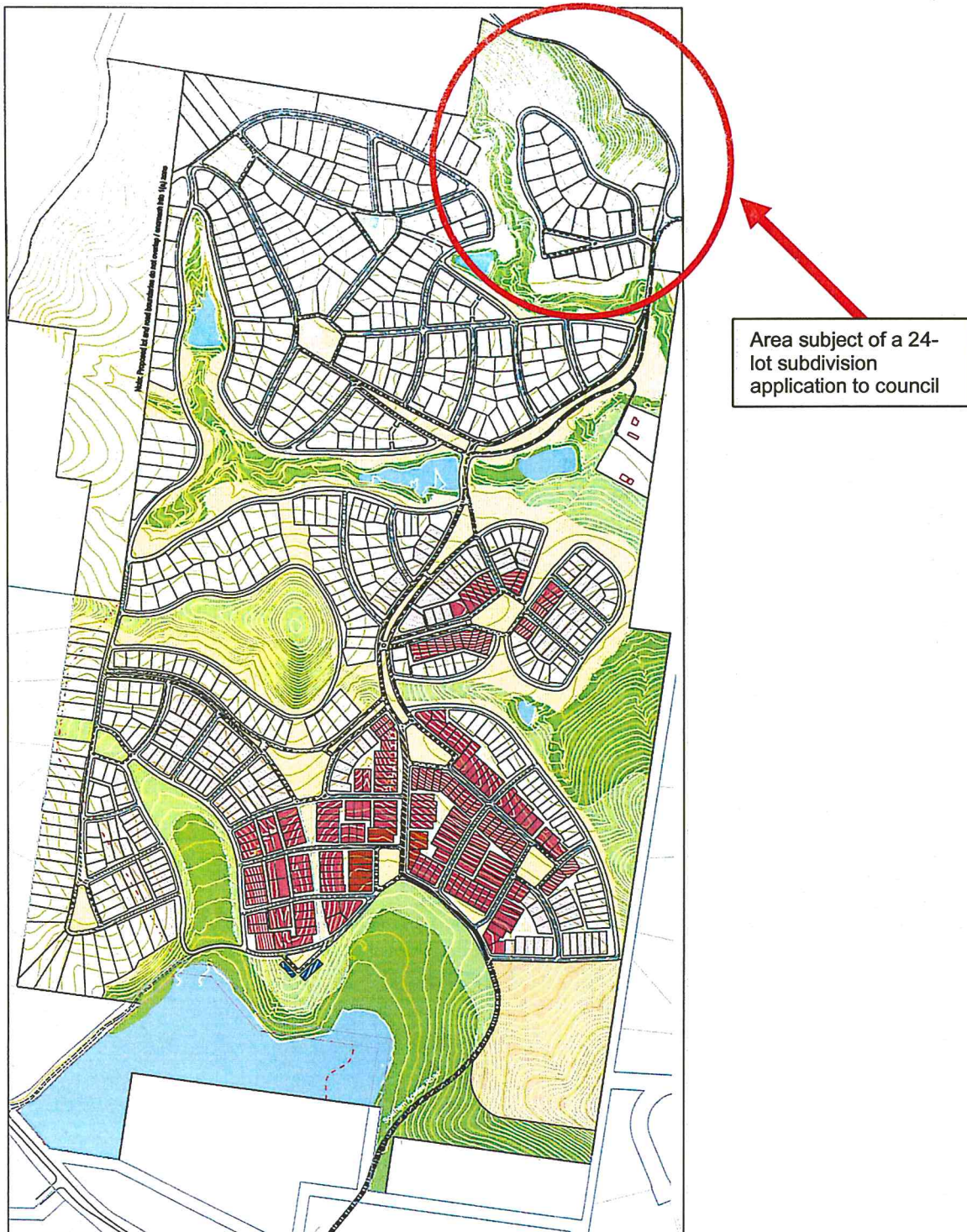
Concept plan approval for the site was granted by the then Minister for Planning on 2 October 2008, in accordance with Part 3A of the Act. Approval was granted for the carrying out of community title subdivision for residential development and ancillary commercial and community facilities, comprising six ecological protection lots, one community lot and 13 neighbourhood precincts (yielding a total of 792 residential lots). **Figure 2** shows the approved concept layout.

The proponent has recently lodged a 24-lot subdivision application with Eurobodalla Shire Council (the council) but it has not yet been registered (explained further in section 5). The subdivision falls within the approved stage 1 area which is in the north eastern corner of the site. See **Figure 2**.

Figure 1: Site location plan



Figure 2: Approved concept plan



2. PROPOSED MODIFICATION

The concept plan approval is liable to lapse on 2 October 2013. The modification request proposes an extension of three years, so the approval would lapse 1 October 2016.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Concept plan approval for 05_0199 was granted under section 75O of the Act. Section 75W of the Act provides for the modification of the Minister's approval.

In accordance with clause 3 of Schedule 6A of the Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Pursuant to section 75W(2) of the Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Director-General.

Section 75W(3) of the Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification. Given the relatively minor nature of the modification request, DGRs were not considered necessary.

3.2 Delegated Authority

The Minister has delegated his functions to determine section 75W modification requests to the Director, Metropolitan and Regional Projects North, whereby:

- the relevant local council has not made an objection to the proposal;
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

Council did not make an objection to the proposal, and the proponent has not made a political disclosure statement. No public submissions in the nature of objections were received. The Director, Metropolitan and Regional Projects North, is therefore delegated to determine the modification request.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on the department's website.

Eurobodalla Shire Council

The modification request was referred to council for comment. Council responded via email it has no objection to the modification request. Council had also provided advice to the proponent on 22 March 2013 that the extension of time was supported. A copy of this letter can be found at **Appendix A**.

5. ASSESSMENT

A concept plan for the site was approved by the then Minister for Planning on 2 October 2008. Schedule 1 references a 5 year period in which approval would lapse unless action had been taken in accordance with Section 75Y of the Act (Lapsing of Approvals) and Term A5 also references a lapsing date of 5 years from approval if development associated with the concept plan approval had not physically commenced.

The approval has a lapsing date of 2 October 2013. The proponent has advised work is unlikely to physically commence on site before this date and is therefore seeking the maximum extension of time until 1 October 2016.

The proponent lodged a 24-lot development application with council in February 2013. The application falls within the approved stage 1 area. The proponent has also been dealing with the apportionment of infrastructure costs on the adjoining 'Rosedale Farm' subdivision. This has delayed the progression of lodgement of applications for the subject site.

The department accepts the proponent's reasons as to why development is yet to occur on site and considers extending the lapse date to 1 October 2016 to be reasonable in the circumstances.

Furthermore, the department considers the proposed extension will not introduce any detrimental environmental, social or economic impacts upon the site or surrounding locality. The proposed modification request to extend the concept approval lapse date is therefore supported.

6. CONCLUSION

The department considers the proposal, as modified, achieves the same objectives as assessed under the original approval. The department's original assessment of the application considered the proposed development would allow for the provision of additional residential land to allow for future growth in the region. The proposed modification ensures this objective can still be achieved. It is therefore recommended that the modification request be approved.

7. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects North, as delegate of the Minister for Planning and Infrastructure, under section 75W of the Act approve the proposed modification to 05_0199 (modification no. 1) and vary the terms of approval as set out in the modifying instrument included at **Tag A**.

Prepared by:

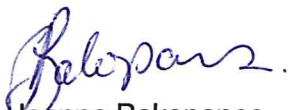


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