

## SUBMISSION TO ACCOMPANY APPLICATION TO MODIFY MP05\_0016 AT BURRILL LAKE/DOLPHIN POINT...

This submission has been prepared to outline the modifications requested and provide reasons why the modifications should be approved. We have prepared a draft modified consent which is attached with the changes sought detailed in red.

Working through the draft modified consent the changes requested are:

### Project Approval ~

We seek to modify the title particulars as these have changed since the date of the approval and the subject land is now Lots 2, 3 & 4 DP 1123774.

We seek to modify (i) to read staged subdivision of Precincts A & B into 164 residential allotments in 17 stages. We are seeking additional stages to enable the release of small manageable stages as outlined on the proposed staging plan attached for economic reasons but mainly to satisfy the requirements of Shoalhaven City Council who will be the certifying authority for subdivision certificate issue. Shoalhaven City Council will not issue subdivision certificates unless they relate to a specific stage as approved in a development consent. The modified staging sought will satisfy this requirement.

We also seek to insert a new (10) to bring this approval in line with the concept approval over the site which identifies development parcels in Precinct C which are referred to in the body of the approval at Condition E2(2).

### Schedule 1 ~

Part A Table ~ We seek to modify the table to reflect the current ownership, the current title particulars, the modified staging, the correct precincts for the delivery of the neighbourhood parks, the correct description of the precincts from which land will be dedicated and the inclusion of item (10) to be consistent with the concept approval and to confirm the date of which the approval is liable to lapse.

These amendments are only procedural and have no effect on the actual delivery of the project.

Part C Definitions ~ We seek to modify a number of the definitions especially the definition of precincts A, B & C to reflect the proposed staging and to more accurately describe the project.

### Schedule 2 ~

#### Part A Administrative Conditions ~

- A1 We seek to modify this condition to reflect the modified staging sought and add (10) to be consistent with the concept approval and the development parcels in precinct C.
- A2 We seek to modify the reference to the approved plans to reflect the modified staging sought and the updated plans attached.

- A3 Unchanged.
- A4 We seek to modify this condition to be consistent with the modified plans.
- A5 Unchanged.
- A6 Unchanged.
- A7 We seek to modify this condition to allow construction certificates to be released for more than one stage at a time.

Part B General Conditions ~

- B1 We seek to modify this condition to accurately reflect which stages it relates to.
- B2 We seek to amend this condition so it specifically relates to each stage.
- B3 We seek to amend this condition so that it is clear when the plan is required and that it is required for each stage.
- B4 As above.
- B5 As above.
- B8 We seek to modify this condition to provide certainty when plans are required and to include a registered surveyor as a person who can prepare the plans. Registered Surveyors are persons qualified and accepted by Shoalhaven City Council to prepare stormwater plans.
- B9 As above.
- B10 We seek to amend this condition by adding in the correct stage assuming the consent is modified.
- B11 We seek to delete this condition as Condition E14 adequately covers Shoalhaven Water's requirements and therefore this condition is unnecessary.
- B12 Unchanged.
- B13 Unchanged.
- B14 Unchanged.
- B15 We seek to modify this condition to refer to the correct modified stage.
- B16 As above

- B17 We seek to modify this condition to change the delivery time for this plan given the proposed modified staging. The change does not impact on the delivery of the project.
- B18 As above.
- B19 We seek to modify this condition to ensure there is certainty when the new bio-retention basin is required.
- B20 We seek to modify this condition to enable this park to be provided in a different location and to delay the delivery of the plans required. The location specified in the consent would appear to be an impractical location to provide the facilities required mainly due to the topography as it is quite steep. We believe this park and these facilities could be provided in a more level and more centrally located position in precinct C to provide a better, more accessible facility.
- B21 Unchanged.
- B22 We seek to modify this condition to relate to the correct modified stage.

#### Part C Prior to Commencement Work ~

- C1 Unchanged.
- C2 We seek to modify this condition to enable the design of measures to prevent vehicular access to the adjoining lands to investigate measures other than a fence as part of the engineering design of the perimeter roads. Such other measures may include untrafficable batter slopes and drains which will achieve the intention of this condition.

#### Part D During Construction ~

- D1 Unchanged.
- D2 Unchanged.
- D3 Unchanged.
- D4 Unchanged.
- D5 Unchanged.
- D6 Unchanged.
- D7 Unchanged.
- D8 Unchanged.
- D9 Unchanged.

D10 Unchanged.

D11 Unchanged.

Part E Prior to the Issue of a Subdivision Certificate ~

E1 Unchanged.

E2 (1) We seek to delete this condition as the land will be dedicated as Public Reserve and therefore there is no need for these restrictions.

(2) Unchanged.

(3) Unchanged.

E3 Unchanged.

E4 We seek to modify this condition to accurately reflect that it is required for every stage.

E5 We seek to modify this condition to more accurately reflect the recommendations of the flora and fauna consultant's report. The report prepared by BES in October 2006 contained a recommendation on Page 42 in regard to Domestic Pet Management as follows :

*26. Any domestic pets to be kept within the subdivision will be restrained within the dwelling cartilage at all times unless secured on a leash.*

This recommendation as incorporated into the draft condition is a more acceptable and workable solution for a residential subdivision where it is generally accepted that dogs and cats co-exist with humans.

E6 We seek to modify this condition to accurately reflect the stage it is required to be delivered in the modified staging arrangement.

E7 Unchanged.

E8 We seek to modify this condition to accurately reflect that it applies to all stages.

E9 As above.

E10 Unchanged.

E11 Unchanged.

E12 Unchanged.

E13 We request this condition be modified as it appears unworkable in the current form as we cannot see how the road can be funded by the bank guarantee after it is constructed.

- E14 Unchanged.
- E15 We seek to modify this condition to reflect the timing of the delivery having regard to the proposed modified staging.
- E16 As above
- E17 As above.
- E18 As above.
- E19 We seek to modify this condition to delay the delivery of this park. The current condition requires it to be delivered in precinct A but we wish to delay it to precinct B Stage 15. Whilst this is a significant delay we believe (as outlined in B20) that the locality of the park should be relocated to a more suitable central location within the overall subdivision and be more integrated into the cycleway/pathway network required in precinct C. To offset the delay in the delivery of this park, we have brought the delivery of the park required by E18 forward to Precinct B Stage 6 which is when approximately 50% of the lots will have been released and as outlined in Condition E20 below, the pedestrian and cycleway network is to be delivered in Precinct B Stage 7, which will allow easy access to the existing facilities in Burrill Lake on the lake foreshore.
- E20 We seek to modify this condition to provide for the delivery of the pedestrian and cycleway connections within precinct C at the release of the subdivision certificate for precinct B Stage 7. The land will not be dedicated to Council however until precinct B Stage 15, as there are still other works to be undertaken by the developer on this land and these works can take place more readily whilst the land is still in private ownership.
- E21 Unchanged.
- E22 Unchanged.
- E23 Unchanged.
- E24 We wish to modify this condition to be mathematically correct and to modify the timing of the works in kind referred to in conditions E18 and E19.

### Schedule 3 ~

We seek to withdraw the majority of the original commitments as they are covered by the conditions of consent as outlined in the summary as attached the draft modified consent.

Overall the modifications sought are generally only procedural except for the timing of the delivery and the location of the informal park referred to in condition B20.