

31 March 2014

Attention: Daniel Keary

Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir

Moruya East Village Major Project No. 06_0322
Our Ref: PLM:4211166

We refer to the above concept approval application determined under section 75O on 10 May 2009 (**Concept Approval**) for the following at Moruya:

- Torrens title subdivision of part of the land including construction of roads and landscaping
- Construction and use of a seniors housing development including self-care and assisted care dwellings and a dementia care facility
- Works to on site endangered ecological communities
- Construction of intersection works to the intersection of the Princes Highway and South Head Road and intersections along South Head Road as well as on road cycle path facilities and pedestrian pathways
- Construction of a portion of Albert Street.

We enclose a copy of plan number 00010154/01.01.01 revision C dated 11 December 2008 referenced in condition A2 of the Concept Approval. We note that there is no project approval.

National Australia Bank is the mortgagee in possession of the land the subject of the Concept Approval namely Lots 1 to 4 in Deposited Plan 1164518 (**Land**). We enclose a copy of the deposited plan and the title searches for each of the lots constituting the Land. Included in the Land is a closed road. A certificate of title is issued for the closed road to Patent Development Pty Ltd with folio identifier 1/11652000. The National Australia Bank has an executed mortgage from Patent Development Pty Ltd over the closed road and that mortgage will be registered within 7 days. Once registered, the National Australia Bank will go into possession of that lot as well.

Lapsing date

Condition A5 of the Concept Approval provides:

This approval shall lapse five years after the date of Determination in Schedule 1 unless Stage One of the proposal (being the Seniors Living Component) has been approved and commenced.

Although the table in Schedule 1 does not indicate the date of determination, it is apparent from the front page of the Concept Approval that the date of determination was 10 May 2009. Accordingly, the Concept Approval lapses on 10 May 2014 if condition A5 is not satisfied.

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Modification application

The purpose of this letter is to seek approval for a modification to condition A5 of the Concept Approval under section 75W of the *Environmental Planning and Assessment Act 1979* (as it then was) to extend the date for lapsing of the Concept Approval. The proposed modified wording for condition A5 is:

This approval shall lapse on 10 May 2018 unless some or all of the seniors living component of the project has been approved and commenced.

Justification for the modification application

Concurrently with the determination of the Concept Approval, the Stage 1 project application for the seniors living component was refused because of the number of modifications required in the Concept Approval for the seniors living component.

Stage 1 of the Concept Approval has been approved and commenced, but it is not the seniors living component. That is, on 24 February 2011 Eurobodalla Shire Council granted development consent to a staged 42 residential lot subdivision No. 218/11 in the north west corner of the Land (predominantly on Lot 2) (attached) relying on the Concept Approval.

Stage 1A of the subdivision has been effected which resulted in Lots 1 to 4 as per the attached deposited plan.

A construction certificate No. 5317/11 has also been issued by Eurobodalla Shire Council for Stage 1B road and sewer works (attached).

The issue of a development consent for Stage 2 of the residential subdivision is awaiting the formal closure of the closed road which is anticipated in the next couple of weeks. This will be the final stage of the residential subdivision in the north west of the Land as contemplated in the Concept Approval.

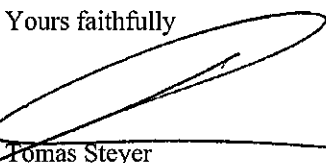
National Australia Bank entered into possession of the Land on or about 31 July 2013 under and in accordance with its security. Since this time there has been a complaint review by the Financial Ombudsman Service (ultimately decided in the mortgagee's favour), negotiations with the mortgagor and dealings on the closed road. The mortgagor, Patent Development Pty Ltd is in default under the security and the National Australia Bank intends exercising its power of sale under the security.

Parts of the Concept Approval have already been approved and commenced, namely the residential subdivision. Considering the amount of modifications required to the seniors living component and that part of the Concept Approval has already been implemented, the National Australia Bank requests that the lapsing date be extended by another four years to enable the purchaser of the Land to commence part of the seniors living component of the development contemplated by the Concept Approval.

It is not anticipated that there will be any impacts caused by the proposed modification.

We would appreciate an expedited determination of this application considering the lapsing date of 10 May 2014.

Yours faithfully



Thomas Steyer
Senior Manager
National Australia Bank

Enclosures

1. Concept Approval plan number 00010154/01.01.01 revision C dated 11 December 2008
2. Deposited Plan 1164518
3. Title searches of lots 1 to 4 in DP 1164518
4. Council consent for Stage 1A and 1B 42 residential lot subdivision dated 24 February 2011
5. Construction certificate 5317/11
6. Political donations statement
7. Cheque