

ASSESSMENT REPORT

Vincentia Coastal Village Concept Plan (MP06_0060) and Project Approval (MP06_0058) MOD 15

1. INTRODUCTION

This report is an assessment of a request to modify the Concept Plan and Project Approval for the development of 127 hectares located at Vincentia within the Shoalhaven Local Government Area (LGA).

The request has been lodged by Don Fox Planning Consultants on behalf of Wakefield Ashurst Developments Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification request seeks approval to amend the Concept Plan and Project Approval to reduce the total number of lots within the approved subdivision from 614 to 607 lots and to modify the approved road layout.

2. SUBJECT SITE

The site is located approximately 25 to 30 kilometres south of Nowra / Bomaderry and two kilometres west of the Vincentia town centre. The site is currently being developed as part of the wider Concept Plan approval. The proposed modification request relates to Lot 6002 which is located along the northern boundary of the Vincentia Coastal Village, bordered by Coaster Circuit to the north, Halloran Street to the south-west and Moona Creek Road to the south-east (**Figure 1**).

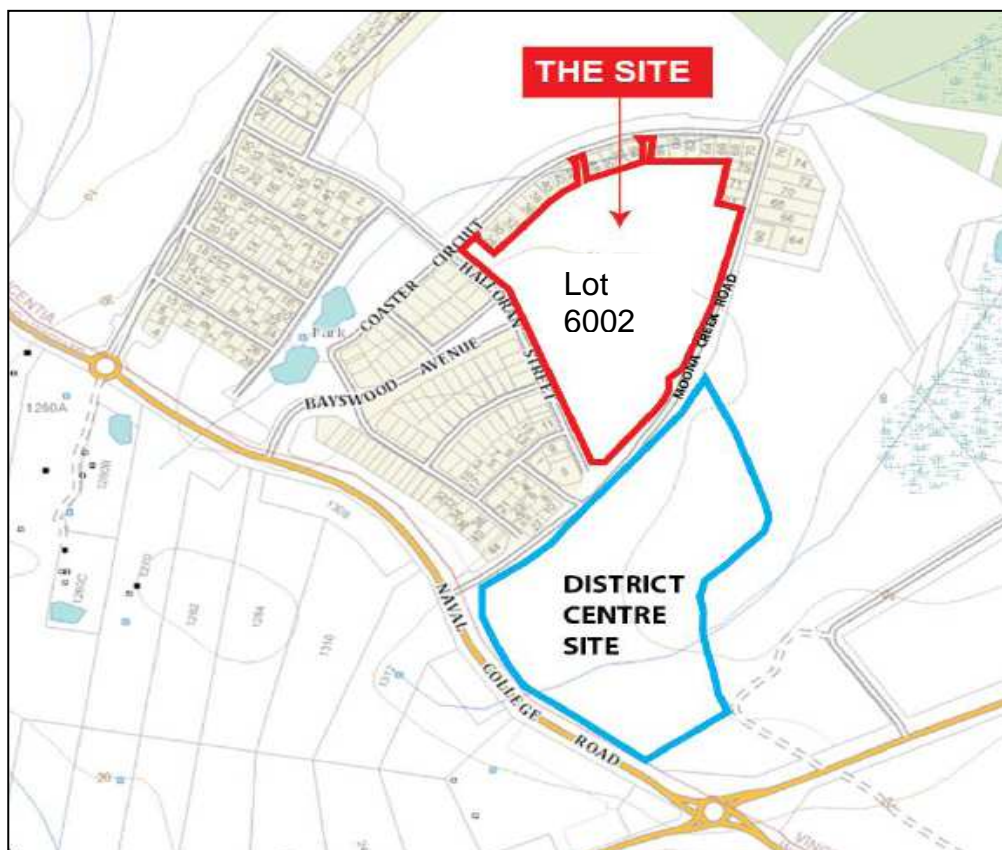


Figure 1: Location of Lot 6002 in the context of the Vincentia Coastal Village
(Source: Proponent's Environmental Assessment prepared by Don Fox Planning).

3. APPROVAL HISTORY

On 25 January 2007, the then Minister for Planning approved a Concept Plan (MP 06_0060) and a Project Application (MP 06_0058) for the Vincentia Coastal Village proposal. The Concept Plan consisted of a 604 lot residential subdivision, a residential development for adaptable housing, a commercial development, and environmental protection measures on the remaining part of the site. The Project Application related only to the residential subdivision component.

The modification approvals have been modified as outlined within **Table 1** below.

Table 1: Modification history

MODIFICATION	DESCRIPTION OF MODIFICATION	APPROVED
MOD 1	<ul style="list-style-type: none">Clarification of display village within approval.Certainty over display village conditions.	October 2007
MOD 2	<ul style="list-style-type: none">To implement exempt and complying development provisions.	July 2008
MOD 3	<ul style="list-style-type: none">Boundary amendments – creation of 3 new lots.	February 2009
MOD 4	<ul style="list-style-type: none">To require payment of local infrastructure contributions prior to issue of subdivision certificate.	February 2009
MOD 5	<ul style="list-style-type: none">Reduction in lots from 607-603.	April 2009
MOD 6	<ul style="list-style-type: none">Amending design guidelines to: “Design Essentials- a guide to building your home at Bayswood”.	December 2009
MOD 7	<ul style="list-style-type: none">Withdrawn.	N/A
MOD 8	<ul style="list-style-type: none">Consolidate residential lots from 603-582;Modification of road layout and landscaped areas.	September 2010
MOD 9	<ul style="list-style-type: none">Increase of residential lots from 574-595.Amendment to condition relating to the postponement of the construction of roundabout intersection at Access A.	March 2011
MOD 10	<ul style="list-style-type: none">Consolidate residential lots to 574.Construction of new replacement display village.	March 2011
MOD 11	<ul style="list-style-type: none">Subdivision of 4 lots (increasing total number from 595- 614).	November 2011
MOD 12	<ul style="list-style-type: none">Deleted references to Exempt and Complying <i>Development Vincentia Coastal Village</i>.	May 2012
MOD 13	<ul style="list-style-type: none">Modification of statement of commitment No.59 (provision of pedestrian/cycle underpass).	April 2013
MOD 14	<ul style="list-style-type: none">Modification of Concept Plan and Project Application descriptions to include four super lots, amend definition of proponent and make minor amendments to Statement of Commitments.	May 2014

4. PROPOSED MODIFICATION

On 7 July 2016, the Proponent lodged a section 75W modification application (MP06_0060 and MP06_0058 MOD 15) seeking approval to make changes to the approved residential subdivision including:

- a reduction in the total number of lots within the boundaries of Lot 6002 from 126 to 116; and
- an amended road layout including the removal of laneways.

The Proponent has also undertaken a count for the lots constructed, under construction and planned stages of the subdivision and now confirms that the total yield would reduce from 614 to 607 lots (not 604 as stated in the application). This represents a net reduction of 7 lots.

The modifications to the layout along Coaster Circuit, external to Lot 6002, has prompted this modification request. As a result of these modifications, this application seeks to reduce the number of residential lots, as well as seeking to remove a series of laneways from across the site.

A comparison of the approved subdivision and the proposed subdivision is shown in **Figure 3** and **4**.



Figure 3: Original approved layout within the Project Approval and Concept Plan (MP06_0058 and MP06_0060). Source: Director Generals Environmental Assessment Report (Concept Plan and Project Approval 06_0060 and 06_0058).



Figure 4: Modified subdivision layout. Source: Proponent's application.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The Concept Plan and Project Application were originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to the approvals must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute new applications.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

6. CONSULTATION

The modification request was made available on the Department's website and surrounding landowners were notified in writing. The Department also notified Shoalhaven City Council (Council) and the Rural Fire Service (RFS) for comment. Due to the minor nature of the proposed amendments, the modification request was not exhibited by any other means.

6.1 Council and Agency Submissions

Council did not object to the modification request, but raised a number of detailed issues regarding:

- the road and subdivision layout;
- compliance with Planning for Bush Fire Protection 2006;
- drainage and the need for inter-allotment drainage; and
- open space provision and embellishments.

The Proponent met with Council officers on 12 September 2016 to discuss a series of amendments which resulted in a further submission from Council raising the following remaining issues:

- the ability of a bus to use Halloran Street;
- access restrictions for particular lots;
- Lot 1505 is a narrow lot and should be amended; and
- landscaping maintenance costs.

RFS did not object to the proposal but indicated that a Bush Fire Assessment specific to the proposed modification (ie. Lot 6002) is required prior to further assessment.

6.2 Public Submissions

Five public submissions were received raising concerns with the proposed modification including:

- increased number of property entrances into Halloran Street (busy road including bus route);
- reduction in size of open space at the corner of Halloran Street and Coaster Circuit to accommodate change in access arrangements to Lots 1417 – 1420 (service road extension of Ketch Lane), resulting in loss of visual amenity, loss of native vegetation;
- traffic management issues on Halloran Street – additional burden on this busy street through the introduction of 2 new intersections, a new laneway and driveways for 10 new residential lots;
- traffic impact of the introduction of the service road (extension to Ketch Lane);

Figure 5: Proposed changes to subdivision layout following RtS. Source: Proponent's application.

In reviewing the Proponent's RtS and the Bush Fire Assessment, RFS has raised no objection to the proposed modification, subject to the inclusion of specific conditions regarding Asset Protection Zones (APZs), creation of easements over residual lots for the purpose of APZs (which can be extinguished when the burdened lot is fully developed), and construction of roads, access and installation of utilities in accordance with *Planning for Bush Fire Protection 2006*.

The RtS also identifies the need to amend the Statement of Commitments (Commitment No. 16(a)) to reference the relevant Bush Fire Assessment report (26 September 2016).

7. ASSESSMENT

The Department has considered the key issues associated with the proposal in Table 2.

Table 2 – Assessment of key issues

Issue	Consideration	Recommendation
<i>Bushfire</i>	<ul style="list-style-type: none"> Council and the RFS raised concerns regarding potential bushfire impacts associated with the modified proposal. In response, the Proponent Submitted a Bushfire Assessment Report (BAR) which assessed the potential threat of bushfire on the proposal in accordance with <i>Planning for Bushfire Protection 2006</i>. The BAR made recommendations regarding APZs, reticulated water supply and gas installation requirements, road and fire trail requirements. The BAR concluded that subject to the recommended bushfire protection measures the proposal would be adequately protected from the threat of bushfire. RFS raised no objection to the proposal but recommended a number of additional requirements in relation to APZs and servicing requirements. The Department has included RFS's suggested conditions in the Notice of Modification. Council suggested that the Bushfire Attack Level (BAL) should be identified for each affected lot. The Department agrees the BAL should be identified for each lot and has included a condition requiring the BAL to be identified for each lot prior to the release of a Subdivision certificate. The Department's assessment concludes bushfire risk can be appropriately mitigated and managed subject to compliance with the recommended conditions. 	New and modified conditions (A 13 and A 13 (a-f)) are recommended to ensure adequate bushfire protection is provided for the modified subdivision.
<i>Bayswood Avenue (Spine Road)</i>	<ul style="list-style-type: none"> Council raised concern regarding the design of Bayswood Avenue due to ongoing maintenance costs associated with the dual carriageway/ central landscaped median configuration. Council requested the road be converted into a standard 20 m road reserve. The Proponent seeks to retain the divided road with a landscaped median as it is a specific design feature for this part of the subdivision. The Department notes the road typologies / road hierarchy and public domain treatments were established in the Concept Plan and Project Approvals. The Department also notes public submissions support the retention of the approved road design. Given the proposal is consistent with the previous approvals and the approved design adds to the overall amenity of this part of the site, it is reasonable to maintain the dual carriageway/ central median configuration for this section of Bayswood Avenue. 	No additional conditions or amendments necessary.
<i>Halloran Street Changes</i>	<ul style="list-style-type: none"> Council and public submissions raised concern about the proposed changes to Halloran Street. In particular: <ul style="list-style-type: none"> the ability of a bus to use the street; the Road 3/Halloran Street intersection; and driveway locations and the identification of parking bays. In response, the Proponent amended the subdivision layout to: <ul style="list-style-type: none"> eliminate the Road 3/Halloran Street intersection; and identify parking bays and driveway locations in Halloran Street to ensure there is no conflict with busses. While the Department would normally prefer the Road 3/Halloran Street intersection to be retained for permeability, in this instance the Department accepts it should be removed given it would: <ul style="list-style-type: none"> create an undesirable offset intersection with Seabreeze Street; 	No additional conditions or amendments as necessary.

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> and <ul style="list-style-type: none"> o potentially result in traffic conflicts with the Medical Centre located on the corner of Halloran Street and Moona Creek Road. • With regard to busses, the Department notes Halloran Street was identified in the Concept Plan and Project Approvals as a potential bus route and was designed to accommodate buses. The width of Halloran Street is not proposed to be modified as part of this application. On this basis, the Department is satisfied the proposed modification would not impact on the ability of Halloran Street to accommodate busses. • Overall, the Department is satisfied the amendments to the subdivision are acceptable and have addressed the concerns raised in submissions. 	
<i>Access</i>	<ul style="list-style-type: none"> • Council raised concern regarding access to particular lots and recommended the following restrictions: <ul style="list-style-type: none"> o access from corner lots fronting Halloran Street should be from a secondary street frontage; and o Lots 1601-1618 should be prevented from accessing Moona Creek Road. • The Department considers the recommended access restrictions are appropriate as it would: <ul style="list-style-type: none"> o ensure on street car parking spaces are maximised; o prevent properties from having dual access; and o minimise potential traffic safety impacts. • The Department has therefore recommended conditions requiring the above access restrictions to be registered on title. 	Condition A20 has been amended requiring access restrictions to be registered on title.
<i>Traffic</i>	<ul style="list-style-type: none"> • Public submissions raised concern regarding the increase of driveway entrances and vehicular movements onto Halloran Street, as well as the traffic impacts from the introduction of a new service road opposite Ketch Lane. • The Proponent has confirmed: <ul style="list-style-type: none"> o the proposal does not increase the number of driveways gaining access from Halloran Street; and o the proposed service road has been deleted and replaced by two sets of paired driveways, providing private access to these lots only. • The Department is satisfied the proposed amendments would ensure the proposal does not result in additional traffic impacts beyond those already assessed and approved. 	No additional conditions or amendments necessary.
<i>Halloran Street Open Space/Reserve</i>	<ul style="list-style-type: none"> • Concern was raised in public submissions about the proposed changes to the open space near the Halloran Street and Coaster Circuit and whether it was to be left in its current vegetated state or cleared. • The Proponent has clarified that the existing vegetation fronting lots 1414-1420 would not be cleared, other than for the creation of driveway access and pedestrian paths. The narrower strip fronting 1415-1417 would be cleared and turfed. • The Department is satisfied the modified proposal would retain the majority of existing vegetation within the open space and the level of clearing to accommodate the proposed driveways is similar to the level of clearing required to accommodate the approved subdivision design, which included a new road fronting lots 1415-1420. • Concern was also raised about potential visual and noise impacts associated with the proposed changes to the Halloran Street open space. • The Department is satisfied the proposed changes would not result in any unreasonable visual impacts as the majority of vegetation would be retained. Further, noise impacts would be negligible and no different to any other residential street in the surrounding area. 	No additional conditions or amendments necessary.
<i>Threatened Species / Loss of Habitat</i>	<ul style="list-style-type: none"> • A number of public submissions raised concerns regarding impacts on vegetation. It is noted that the footprint of the development remains unchanged, therefore there would be no additional impacts on vegetation beyond those already assessed and approved. • The Department notes some vegetation would be cleared to create the additional driveways and footpaths within the open space at the corner of Halloran Street and Coaster Circuit, however the majority of 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	<p>vegetation would be retained and the level of clearing is commensurate with the level of clearing required to accommodate the approved subdivision design.</p> <ul style="list-style-type: none"> Concerns were also raised about the potential impacts on the Glossy Black-Cockatoo habitat. The Department notes the Glossy Black-Cockatoo Nest Survey Report that accompanied the Concept Plan and Project Application identified four nest sites. The subdivision layout was amended at that time to ensure that the development footprint did not impact on these sites. The Department notes that none of these nest sites lie within Lot 6002 or the small area of open space adjoining Halloran Street and as such the proposed modifications would not impact on the nesting sites. 	
<i>Relocation of Open Space</i>	<ul style="list-style-type: none"> Council requested consideration be given to the relocation of the approved open space (from end of Bayswood Avenue to near Halloran Street) as the current location is susceptible to flooding. The Department notes the Proponent is in discussion with Council regarding the location of this open space. However, this does not form part of the current proposal, and is therefore outside the scope of this assessment. 	No additional conditions or amendments necessary.
<i>Inter-allotment Drainage</i>	<ul style="list-style-type: none"> Council identified the need for inter-allotment drainage to the rear of Lots 1506 -1518. The Department notes inter-allotment drainage will be provided to the rear of Lots 1506-1518 and documented with the Construction Certificate and Subdivision Certificate consistent with the approach adopted for other stages of the subdivision. 	No additional conditions or amendments necessary.
<i>Turning head surface levels</i>	<ul style="list-style-type: none"> A public submission requested the surface level of the driveway / turning head servicing Lots 1419 and 1420 be finished at natural ground level. The Department is satisfied the proposed surface levels are appropriate to achieve effective drainage and would not be elevated to an extent that would cause any unreasonable impacts on surrounding properties. 	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable on the basis that:

- potential bushfire threat can be appropriately mitigated and managed subject to compliance with the recommended conditions;
- the proposal would not result in any unreasonable amenity impacts to surrounding properties;
- the proposal would not result in any additional traffic impacts; and
- the footprint of the approved development would remain the same and the proposal would not result in any additional environmental impacts beyond those already assessed and approved.

Consequently it is recommended that the application be approved subject to the modified condition of approval.

9. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendation of this report;
- **approves** the modification request, subject to conditions; and
- **signs** the attached modifying instrument (**Appendix A**).

Prepared by:
Helen Mulcahy
Contract Planner

Anthony Witherdin
Director
Modification Assessments

Anthea Sergeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be Found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7753

Modification of Minister's Approval

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

As delegate of the Minister for Planning, I modify the concept plan and project application referred to in Schedule 1, subject to the conditions in Schedule 2-4.

Anthea Sergeant
Executive Director
Key Sites and Industry Assessments

Sydney

2016

SCHEDULE 1

Concept & Project Approval: MP 06_0060 and MP 06_0058 granted by the Minister for Planning on 25 January 2007.

For the following:

A Concept Plan involving:

- a 614 lot residential subdivision;
- a residential development for adaptable housing;
- commercial development; and
- environmental protection measures on the remaining land.

A Project Application for a 614 lot residential subdivision.

Modification: MP 06_0060 and MP 06_0058 MOD 15:

- To reduce the number of lots from 614 to 607;
- Revise the subdivision layout;
- Update references to the approved plans and documentation; and
- Modify the Statement of Commitments.

SCHEDULE 2 – CONCEPT PLAN

The Concept Approval is modified by:

1. Amend Part A – Concept Plan Approval – A1 Table with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) or the relevant person acting upon all or any part of the approval, and includes any person certified by the Minister to be the proponent.
Application made to:	Minister for Planning
Major Project Number:	06_0060
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Concept Plan for: <ul style="list-style-type: none"> • A four lot super lot subdivision; • A 614 <u>607</u> lot residential subdivision; • A residential development for an adaptable housing area; • A commercial development; and • Environmental protection measures on the remaining land.
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 4.
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval will lapse:	5 years from the date of determination

2. Amend Part A – Condition A2(1)(a) with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A2 Approval in detail

Concept approval is only to the following development:

- (1) a residential development involving:
 - (a) up to ~~614~~ **607** residential lots;

3. Amend Part A – Condition A3 with the insertion of the **bold and underlined** words as follows:

A3 *Development in Accordance with Plans and Documentation*

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
- (a) *Vincentia: Environmental Assessment Report. February 2006* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd;
 - (b) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 1* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd; and
 - (c) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 2* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd.
- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
- (d) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007, as amended by Don Fox Planning Pty Ltd dated April 2008, and as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd letters dated 9 July 2010 and 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011, as amended by the Don Fox Planning Pty Ltd letter dated 16 March 2012, as amended by Don Fox Planning report dated 20 November 2012 and the Response to Submissions dated 10 January 2013, **as amended by DFP Planning Pty Ltd letter dated 6 July 2016, the Response to Submissions dated 26 September 2016 and revised Statement of Commitments dated 26 September 2016.**
- (3) In the event of any inconsistencies,
- (e) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1); and
 - (f) the modifications of the Concept Plan approval identified in Schedule 2 prevail over the documentation listed in (1) and (2) above.

END OF SECTION

SCHEDULE 3

The Project Approval is modified by:

1. Amend Part A – A1 Table with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) or the relevant person acting upon all or any part of the approval, and includes any person certified by the Minister to be the proponent.
Application made to:	Minister for Planning
Major Project Number:	06_0058
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Project Application for a 614 <u>607</u> lot residential subdivision and a four lot super lot subdivision.
Capital Investment Value:	\$150 million
Type of development:	Project approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Project approval is granted subject to the conditions in the attached Schedule 4
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval will lapse:	5 years from the date of determination

2. Amend Part A – Condition A2(1)(a) with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A2 Approval in detail

Concept approval is only to the following development:

- (1) a residential development involving:
 - (a) up to ~~614~~ **607** residential lots;
3. Amend Part A – Condition A3(2)(a) with the insertion of the **bold and underlined** words as follows:

A3 *Development in Accordance with Plans and Documentation*

- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
- (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007, as amended by Don Fox Planning Pty Ltd dated April 2008, and as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd letters dated 9 July 2010 and 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011, as amended by the Don Fox Planning Pty Ltd letter dated 16 March 2012, as amended by Don Fox Planning report dated 20 November 2012 and the Response to Submissions dated 10 January 2013, **as amended by DFP Planning Pty Ltd letter dated 6 July 2016, the Response to Submissions dated 26 September 2016 and revised Statement of Commitments dated 26 September 2016.**

END OF SECTION

SCHEDULE 4

4. Amend Schedule 4 - Part A Conditions of Project Approval - Condition A1 with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A1 *Residue land*

For the purposes of clarification, this approval limits subdivision and subdivision works for the following to lands shown highlighted as "Project Approval" shown on the plan labelled "Application Definition Plan" in the *Vincentia: Environmental Assessment Report. February 2006*:

- (a) a ~~614~~ **607** residential lot subdivision;
 - (b) an open space area of at least 60 hectares, comprising:
 - (i) water sensitive urban design /asset protection zones and urban parks; and
 - (ii) at least 48 hectares of environmental conservation areas;
 - (c) an internal road network;
 - (d) three access points to Naval College Road;
 - (e) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing; and
 - (f) water sensitive urban design measures and landscaping of public space in streets and parks.
5. Amend Schedule 4 - Part A Conditions of Project Approval - Condition A13 with the insertion of the **bold and underlined** words as follows:
- A13** The bushfire protection requirements listed in the Bushfire Protection Assessment reports prepared by Ecological Australia dated 30 November 2010 **and 26 September 2016** ~~relating to building construction standards and Asset Protect Zones~~ are to be implemented and maintained as required.
6. Amend Schedule 4 - Part A Conditions of Project Approval – Insert new Conditions A13 (a-f) as follows:
- A13(a) All residential lots shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.**
- A13(b) Prior to release of lots 1401-1450 in stage 14, easements are to be created over the residual lot adjoining the eastern and western boundary of these lots to a distance of 35 metres for the purpose of Asset Protection Zones (APZs) in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*. Easements shall be created in accordance with section 88B of the Conveyancing Act 1919 and may be extinguished when the burdened lot is fully developed and has removed the hazard to the benefited lot.**
- A13(c) Prior to the release of lots 1401-450 in stage 14, roads adjoining the proposed lots in stages 14 to 16, including Coaster Circuit, Halloran Street, and Moona Creek Road, shall be fully constructed. All road reserves shall be maintained as an Asset Protection Zone (APZ) in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*.**

A13(d) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

A13(e) Prior to release of lots in each stage of stages 14 to 16, public roads shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*. This includes incorporating temporary complying turning areas where dead end roads are created as a result of staging.

A13 (f) The Bushfire Attack Level for all lots within stages 14 to 16 shall be determined by an accredited bushfire consultant in consultation with the NSW Rural Fire Service prior to the release of the relevant subdivision certificate.

7. Amend Schedule 4 - Part A Conditions of Project Approval – Condition A20 with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A20 A Restriction as to User under s.88B of the Conveyancing Act is to be created over the title of the following lots:

- Lots 575 to 586 inclusive restricting vehicular access to these lots to Halyard Lane;
- Lot 592 restricting vehicular access to this lot to Bow Street; ~~and~~
- Lot 597 restricting vehicular access to this lot to Haylard Lane;
- **Lots 1601 to 1618 (inclusive) and Lot 1619 restricting vehicular access to these lots to Road 3; and**
- **Lots 1415 and 1428 restricting vehicular access to these lots to Bayswood Avenue.**

The specific wording of this restriction is to reflect the intent of the condition and be agreed between ~~Stockland~~ **the Proponent** and Shoalhaven Council, approved by Shoalhaven Council prior to the issuing of the Subdivision Certificate and registered with the subdivision plan that creates these lots.

8. Amend Schedule 4 - Part A Conditions of Project Approval – Condition A23 with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A23 Payment of Developer Charges (Section 64 – Water supply charges and Sewer charges) are applicable for the ~~additional~~ lots **approved as part of Modification 15**. The section 64 charges are ~~\$6386.00 (2010/11)~~ **\$6,578.00 (2016/17)** per lot for water and ~~\$8,090.00 (2010/11)~~ **\$8,339.00 (2016/17)** per lot for sewer.

Note:

(1) Council resolved on 3 September 2013 to allow a concessional Water Supply and Sewer charges of \$3,289.00 (2016/17) per lot and \$4,169.50 (2016/17) per lot respectively.

(2) The applicant is advised however that after 30 June 2017 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.

9. Amend Schedule 4 - Part A Conditions of Project Approval – Condition A24 with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

- A24** The developer shall provide for a 20mm metered service to each unmetered lot. The cost for a 20mm service is ~~\$680.00 (2010/11)~~ \$732.00 (2016/17). All meters shall be located within the lot to be served as approved by Shoalhaven Water.

Note: The connection fee for a 20mm metered service is \$112.00 (2016/17) and is paid by the person making application for installation of the metered service.

10. Amend Schedule 4 - Part A Conditions of Project Approval – by the insertion of new Condition A25 as follows:

- A25 The two open space corridors between Coaster Circuit and Road 1 shall be designed to accommodate drainage infrastructure (piped and overland flow) to cater for 1:100 year ARI events. Details to be provided as part of documentation for the relevant Construction Certificate.**

END OF SECTION

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=77553

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7753

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7753