

Modification of Concept Approval

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

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



Chris Ritchie
Acting Executive Director
Key Sites and Industry Assessments

Sydney 21 AUGUST 2017

SCHEDULE 1

- Concept Approval:** MP 07_0147 granted by the Minister for Planning on 15 December 2008.
- For the following:** Concept Plan for North Cooranbong Residential Estate comprising:
- 200.43 ha of land for residential development;
 - 2.75 ha for commercial development;
 - 17.7 ha for schools (existing and proposed);
 - 15.25 ha for public open space/recreation and community facilities; and
 - 119.13 ha for environmental conservation.
- Proponent:** Johnson Property Group Pty Ltd
- Approval Authority:** Minister for Planning
- The Land:** Lot 1 DP 595941, Lot 11 DP 129156, Lot 12 DP 129157, Lot 20 DP 129159, Lot 1-13 DP 7352, Lot 1-8 and 10 Section 6 DP 3353, Lot 1 DP 825266, Lot 34 DP 736908, Lot 2 DP 517245, Lot 1 DP 170378, Part Lot 15 DP 182756, Lot 212 DP 1037011, Lot 1 DP 348173, Lot 219 DP 755218, Lot 1 DP 329367, Lot 1 DP 301305, Lot 13 DP 129157, Lot 1-2 DP 346776, Lot 21 DP 129159, Lot 1 DP 360725, Lot 1 DP 363639, Lot 3 DP 1029952, Lot 2 DP 663728, and unformed road continuing from Alton Road.
- Modification:** **MP 07_0147 MOD 4:** the modification includes:
- removal of the southern access point to Lot 2 in DP 825266;
 - diverting a portion of the local road servicing the southern catchment through Lot 12 in DP 1158508 (617 Freemans Drive), and removing the portion of the local road extending through Lot 2 in DP 825266; and
 - including Lot 12 in DP 1158508 within Schedule 1.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

Schedule 1

Application No.:	MP 07_0147
Proponent:	Johnson Property Group Pty Ltd
Approval Authority:	Minister for Planning
Land:	Allotments at North Cooranbong in the Lake Macquarie Local Government Area as follows: Lot 1 DP 595941, Lot 11 DP 129156, Lot 12 DP 129157, Lot 20 DP 129159, Lot 1-13 DP 7352, Lot 1-8 and 10 Section 6 DP 3353, Lot 1 DP 825266, Lot 34 DP 736908, Lot 2 DP 517245, Lot 1 DP 170378, Part Lot 15 DP 182756, Lot 212 DP 1037011, Lot 1 DP 348173, Lot 219 DP 755218, Lot 1 DP 329367, Lot 1 DP 301305, Lot 13 DP 129157, Lot 1-2 DP 346776, Lot 21 DP 129159, Lot 1 DP 360725, Lot 1 DP 363639, Lot 3 DP 1029952, Lot 2 DP 663728, <u>Lot 12 in DP 1158508</u> and unformed road continuing from Alton Road
Project:	Concept Plan for the North Cooranbong Residential Estate , comprising 200.43 ha for residential development, 2.75 ha for commercial development, 17.70 ha for schools (existing and proposed), 1535 ha for public open space/recreation and community facilities and 119.13 ha for environmental conservation.

- (b) The Definitions Table in Schedule 2 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Council	Lake Macquarie City Council
DECCW	Department of Environment and Climate Change
Department, the	Department of Planning <u>and Environment</u>
Director-General, the	Director-General of the Department of Planning (or delegate)
DWE	Department of Water and Energy
EA	<i>Part 3A Environmental Assessment Report & Concept Plan North Cooranbong (Volume 1 - 3) prepared by HDB Town Planning & Design for Johnson Property Group dated March – June 2008</i>
Minister, the	Minister for Planning
<u>OEH</u>	<u>Office of Environment and Heritage</u>
Proponent	Johnson Property Group Pty Ltd
PPR	<i>Preferred Project Report for North Cooranbong, prepared by HDB Town Planning & Design for Johnson Property Group dated 27 October 2008, and revised Statement of Commitments dated 26 November 2009.</i>
<u>Secretary</u>	<u>Secretary of the Department of Planning and Environment (or nominee)</u>
Site	Land to which Concept Plan Application 07_0147 applies
Terms of Approval	The Minister's terms of approval for the Concept Plan

- (c) Schedule 2, Part 1 Administrative Terms of Approval, Terms of Concept Approval 1.1 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

- 1.1 The Proponent shall carry out the concept plan generally in accordance with the:
- a) Concept Plan Application 07_0147;
 - b) *Part 3A Environmental Assessment Report & Concept Plan North Cooranbong (Volume 1 – 3)* prepared by HDB Planning & Design for Johnson Property Group dated March – June 2008;
 - c) *Preferred Project Report for North Cooranbong* prepared by HDB Planning & Design for Johnson Property Group dated 27 October 2008 and revised Statement of Commitments dated 26 November 2009;
 - d) **letter from Johnson Property Group titled 'RE: North Cooranbong Concept Plan Approval MP 07 0147' dated 18 December 2008;**
 - e) **letter from Johnson Property Group titled 'RE: MP 07 0147 North Cooranbong Concept Plan Approval – Additional Modification Request' dated 4 February 2009;**
 - f) **letter from Johnson Property Group titled 'RE: MP 07 0147 North Cooranbong Concept Plan Approval – Additional Modification Request' dated 14 September 2009;**
 - g) **Environmental Assessment Relating to Modification MP 07 0147 (MOD 4) prepared by ADW Johnson Pty Limited and dated October 2016, as amended by the Response to Submissions S75w Modification Application – MP 07 0147 (MOD 4) Relating to North Cooranbong Concept Approval, prepared by Johnson Property Group and dated 20 April 2017; and**
 - h) the terms and modifications of this approval.

- (d) Schedule 2, Part 1 Administrative Terms of Approval, Terms of Concept Approval 1.2 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

- 1.2 In the event of an inconsistency between:
- a) The terms/modifications of this approval and any document listed from 1.1(a) to 1.1(e)(g) inclusive, the terms/modifications of this approval shall prevail to the extent of the inconsistency; and
 - b) Any document listed from 1.1(a) to 1.1(e)(g) inclusive, the most recent document shall prevail to the extent of the inconsistency.

- (e) Schedule 2, Part 2 Modifications to the Concept, Modification 2.3 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

- 2.3 The Design Guidelines are to be prepared in consultation with and approved by Council prior to the issue of the first consent by Council for development under this concept plan approval. If Council fails to approve the Design Guidelines within 2 months of lodgement for approval they are to be submitted for approval to the ~~Director-General~~ **Secretary** of the Department of Planning **and Environment**.

- (f) Schedule 2, Part 2 Modifications to the Concept, insert new Modification 2.4 after Modification 2.3 as follows:

2.4 The local road (secondary) connection along the northern boundary of Lot 2 in DP 825266 shall be retained, in accordance with the 'current approved masterplan' alignment identified in drawing 239078(12) MP-001-D provided in the Environmental Assessment Relating to Modification to MP 07 0147 (Mod 4) Revision B, prepared by ADW Johnson and dated 19 October 2016, or in an alternate location along that boundary if agreed to between the two land owners to suit subdivision layout planning.

A revised plan depicting the retention of the local road connection along the northern boundary of Lot 2 in DP 825266 shall be submitted to the satisfaction of the Secretary prior to the issue of any Construction Certificate for subdivision works on either Lot 1 in DP 348173, Lot 212 in DP 1037011, or Lot 12 in DP 1158508.

- (g) Schedule 2, Part 3 Further Assessment Requirements, Assessment Requirement 3.8 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

- 3.8 Any application for subdivision creating residential lots on an allotment of the site identified as 'Potential Site Contamination' within the Douglas Partners Reports referenced 31720 and dated 11 December 2001, 24 July 2002, 23 October 2003 and 7 March 2005 must be accompanied by a Stage Two detailed site contamination assessment in accordance with SEPP 55 (and associated guidelines).

All residential subdivision **future** development applications are to demonstrate compliance with the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land where applicable.*

- (h) Schedule 2, Part 3 Further Assessment Requirements, Assessment Requirement 3.12 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

- 3.12 Proposed perimeter road and building alignments ~~must~~ **must** achieve the minimum ~~Assess~~ **Asset** Protection Zone (APZ) contained in Planning for Bushfire Protection 2006 published by NSW Rural Fire Service. Where no perimeter road is provided the APZ must be achieved within lot boundaries.

- (i) Schedule 2, Part 3 Further Assessment Requirements, Assessment Requirement 3.15 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

- 3.15 If ~~a~~ **Aboriginal** cultural objects are uncovered due to development activities, all works must halt in the immediate area. A suitably qualified archaeologist, Aboriginal community representative and DECC **OEH** must be contacted to determine the significance of the find(s).

- (j) Schedule 2, Part 3 Further Assessment Requirements, insert new Assessment Requirement 3.16 after Assessment Requirement 3.15 as follows:

Biodiversity Offsets

- 3.16 Prior to the determination of any development application proposing to clear *Tetratheca juncea* or *Angophora inopina* on Lot 12 in DP 1158508, the consent authority shall be satisfied suitable arrangements will be in place to secure the biodiversity offsets identified in the letter titled *Subject: Pre-lodgement Discussion- Provision of Biodiversity Offset for 617 Freemans Drive Cooranbong* prepared by Lake Macquarie City Council, and dated April 2017**

- (k) Schedule 2, the Advisory Note is amended by the insertion of the **bold and underlined** words as follows:

Advisory Note: The gazetted SEPP Amendment contains provisions requiring that satisfactory arrangements are made for the provision of designated state infrastructure prior to subdivision consent being issued for the land. The Department of Planning **and Environment** will consider the executed regional VPA as satisfactory arrangements.

End of Modification