

Modification of Project Approval

Section 75W of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning I modify the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Anthony Witherdin
Director
Modification Assessments

Sydney 1 FEBRUARY 2018

SCHEDULE 1

Project Approval:	05_0016 granted by the Minister for Planning on 12 March 2008
Proponent:	Australian Property Growth Fund Limited
Land:	Lots 2, 3 & 4 in DP 1123774 Wuru Road and Dolphin Point Road, Dolphin Point/Burrill Lake – Shoalhaven local government area
Project:	Project Approval for a development comprising: <ol style="list-style-type: none">1) Staged subdivision of Precincts A and B into 164 residential allotments in 17 stages;2) Creation of roads to service the subdivision;3) Creation and embellishment of one allotment as a central park in Precinct B;4) Construction of pedestrian/cycle paths through all Precincts;5) Landscaping;6) Revegetation works to riparian zones in all Precincts;7) Provision of services and infrastructure;8) Associated with the staged subdivision, dedication of lands in Precincts A, B and C to the Council; and9) Identification of development parcels in Precinct C.
Modification:	The modification request includes changes to the staging to replace part of approved Stage 15 with a new Stage 9A.

SCHEDULE 2

The Project Approval as described in Schedule 1 is modified as follows:

- (a) Amend the Table in Part A of Schedule 1 by the insertion of the **bold and underlined** words and the deletion of ~~struckout~~ words as follows.

PART A—TABLE

Application made by:	<i>Australian Property Growth Limited</i>
Application made to:	Minister for Planning
Major Project Application:	MP 05_0016
On land comprising:	Wuru Road and Dolphin Point Road, Dolphin Point/Burrill Lake Lots 2, 3 and 4 DP 1123774
Local Government Area	Shoalhaven
For the carrying out of:	<ol style="list-style-type: none"> 1) Staged subdivision of Precincts A and B into 164 residential allotments in <u>178</u> stages; 2) Creation of roads to service the subdivision; 3) Creation and embellishment of one allotment as a central park in Precinct B; 4) Construction of pedestrian/cycle paths through all Precincts; 5) Landscaping; 6) Revegetation works to riparian zones in all Precincts; 7) Provision of services and infrastructure; 8) Associated with the staged subdivision, dedication of lands in Precincts A, B and C to the Council; and 9) Identification of development parcels in Precinct C.
Type of development:	Project Application

- (b) Amend the Definitions of *Precinct A*, *Precinct B*, *Precinct C* in Part C of Schedule 1 by the insertion of the **bold and underlined** words and the deletion of ~~struckout~~ words as follows.

PART C—DEFINITIONS

Precinct A means the area generally referred to as “Stages 1 & 2” generally comprising a residential subdivision of 23 residential lots and associated works and riparian corridors **as identified in the Plan of Proposed Subdivision UII840M Sheet 1 of 4 Revision D dated 13 November 2013.**

Precinct B means the area generally referred to as “Stages 3 - 16” generally comprising a residential subdivision of 141 residential lots and 1 central park and associated works **as identified in the Plan of Proposed Subdivision UII840M Sheet 1 of 4 Revision D dated 13 November 2013.**

Precinct C means the remainder of the land intended to be dedicated to the Council, generally comprising of works for a fire trail, revegetation works, pedestrian and cycle paths, 1 informal park and associated works, services and bio-retention basin, services and three future development area parcels **as**

identified in the Plan of Proposed Subdivision U11840M Sheet 1 of 4
Revision D dated 13 November 2013.

- (c) Amend Condition A1 by the insertion of the **bold and underlined** words and the deletion of ~~struckout~~ words as follows.

A1 Development Description

Development approval is granted only to carrying out the development described in detail below:

- (1) Staged subdivision of Precincts A and B into 165 residential allotments in ~~178~~ stages;
 - (2) Creation of roads to service the subdivision;
 - (3) Creation and embellishment of one central park in Precinct B;
 - (4) Construction of pedestrian/cycle paths through all Precincts;
 - (5) Landscaping;
 - (6) Revegetation works to riparian zones in all Precincts;
 - (7) Provision of services and infrastructure;
 - (8) Associated with the staged subdivision, dedication of lands in Precincts A, B and C to the Council; and
 - (9) Identification of development parcels in Precinct C.
- (d) Amend Condition A2 by the insertion of the **bold and underlined** words and the deletion of ~~struckout~~ words as follows.

A2 Development in Accordance with Plans & Documents

The development will be undertaken in accordance with the following plans and documents:-

- a) Environmental Assessment dated September 2007 prepared by Turnbull Planning International Pty Ltd as amended by the Preferred Project Report dated 18 February 2008 prepared by Turnbull Planning International Pty Ltd including all Appendices;
- b) The Modification Request prepared by Rygate & West dated 24 May 2013 and correspondence dated 25 September 2013 ('MOD 2')
- c) The Modification Request prepared by Rygate & West dated 11 June 2014 ('MOD 3')
- d) **The Modification Request prepared by Rygate & West dated 11 October 2017 ('MOD 4')**
- e) The following drawings:

Subdivision Layout Drawings prepared by Rygate and West			
Drawing No.	Revision	Name of Plan	Date
U11840M Sheet1 of 4	D	Plan of Proposed Subdivision of Lots 2, 3 and 4 DP 1123774 (Note: drawing depicts Indicative Subdivision Layout for Precincts A & B)	13 November 2013
U11840M Sheet 2 of 4	D	Indicative Lot Layout for Precinct A Subdivision	13 November 2013
U11840M Sheet 3 of 4	D	Indicative Lot Layout for Precinct B Subdivision	13 November 2013

U11840M Sheet 4 of 4	DH	Plan showing Conceptual Staging for subdivision of Precincts A & B.	13 November 2013 <u>11 October 2017</u>
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Road Cross Section Drawings prepared by Rygate and West			
Drawing No.	Revision	Name of Plan	Date
U11840 Sheet 1 of 1	A	Typical Road Cross Sections	6 February 2008
U11840 Sheet 1 of 1	A	Sections over Proposed Lot 410 & 414 (batter slope)	13 November 2013
Landscape Drawings prepared by HLS Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
L01	-	Landscape Plan – Street Trees	Feb 08
L02	-	Landscape Plan – Park	Feb 08

except for:

- 1) any modifications which are 'Exempt and Complying Development' as identified in Shoalhaven Local Environmental Plan 1985 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- 2) otherwise provided by the conditions of this approval.

(e) Amend Condition A3 by the insertion of the **bold and underlined** words.

A3 The development will be undertaken in accordance with the following documents:

- 1) *Environmental Assessment Report* prepared by Peter Le Bas, Sandra Bailey and Gary Peacock of Turnbull Planning International Pty Ltd on behalf of Elderslie Property Investments, dated September 2007;
- 2) *Transport Report for Proposed Subdivision Dolphin Point*, prepared by Colston Budd Hunt & Kafes and dated September 2006 (Appendix to *Environmental Assessment*);
- 3) *Residential Subdivision Dolphin Point, Stages 2 & 3 Water Management Strategy* prepared by Patterson Britton & Partners Pty Ltd and dated September 2006 (Appendix to *Environmental Assessment*);
- 4) *Bushfire Protection Assessment Subdivision Stage 2 Dolphin Point/Burrill Lake City of Shoalhaven* prepared by Bushfire and Environmental Services and dated May 2006 (Appendix to *Environmental Assessment*);
- 5) *Flora and Fauna Assessment Proposed Mixed Use, Residential, Commercial & Recreational Development (Stages 2, 3 and 5) Lot 1 DP 1045990 Princes Highway, Dolphin Point* prepared by Bushfire and Environmental Services and dated October 2006 (Appendix to *Environmental Assessment*);
- 6) *Proposed Stage 2 & 3 Residential Subdivision Lot 1 DP 1045990 Princes Highway, Dolphin Point Shoalhaven* prepared by Network Geotechnics Pty Ltd and dated August 2006 (Appendix to *Environmental Assessment*);
- 7) *Sub-surfaces Archaeological Investigation of Staged 2-4 of "The Dairy", a proposed Residential Development at Dolphin Point, Near Burrill Lake, on the*

South Coast of New South Wales prepared by South East Archaeology Pty Ltd and dated June 2005 (Appendix to Environmental Assessment);

- 8) *The Dairy Stages 2-5, Dolphin Point Aboriginal Heritage Management Plan prepared by South East Archaeology Pty Ltd and dated June 2005 (Appendix to Environmental Assessment);*
 - 9) *The Statement of Commitments contained within the Environmental Assessment Report prepared by Peter Le Bas, Sandra Bailey and Gary Peacock of Turnbull Planning International Pty Ltd, dated September 2007;*
 - 10) As amended by the *Preferred Project Report* (including attachments), prepared by Turnbull Planning International Pty Ltd and dated 18 February 2008.
 - 11) The modification request prepared by Rygate and West dated 24 May 2013, correspondence prepared by Rygate and West dated 25 September 2013.
 - 12) The modification request prepared by Rygate and West dated 11 June 2014; and
 - 13) **The modification request prepared by Rygate and West dated 5 April 2017 and the supporting information dated 6 June 2017, 4 August 2017, 11 October 2017 and 7 November 2017.**
- (f) Amend Condition A4 by the insertion of the **bold and underlined** words and the deletion of ~~struckout~~ words as follows.

A4 Staging

The subdivision development shall be carried out generally in accordance with the approved staging plans, in numerical order, referred to in the Conceptual Staging Plan prepared by Rygate and West, Drawing No. U11840M Sheet 4 of 4, Revision ~~DH~~ dated ~~13 November 2013~~ **11 October 2017**.

End of modification