

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning and Assessment Act 1979*

I, the Executive Director, Strategic Sites and Urban Renewal Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Executive Director, Strategic Sites and Urban Renewal  
**As delegate for the Minister for Planning**

Sydney, **24 February** 2009

### SCHEDULE 1

**Concept Approval:** Granted by the Minister for Planning on 2 January 2009.

**In respect of:** Major Project MP06\_0272 made by Delmo Albion Park Pty Ltd for land located at the 78 Tongarra Road, Albion Park (Lot B DP 109816 and Lot 6 DP 1100435) in the Shellharbour Local Government Area

**For the following:** Concept plan for the ***Illawarra Regional Business Park***, comprising of a 60 lot subdivision (59 lots for light industrial uses and 1 lot for environmental conservation) with associated infrastructure and earthworks, demolition of two ancillary farm buildings, relocation of the Wanalama Homestead, development of a café, service station and hotel, the realignment of Frazer's Creek, wetland rehabilitation and the establishment of an environmental management area with associated walkway.

**Modification:** Modification of the concept plan approval to delete the requirement for the provision of a bus stop offsite, to clarify the future assessment requirement for the flooding assessment (Stage 1 and Stage 2), to modify the requirement to rehabilitate the northern wetland and other minor clarifications/corrections.

## SCHEDULE 2

### **The Concept Approval is modified by:**

1. Insert within point (c) of the Minister's determination (page 1), after the words *Part 5 of the Act*, with the following:

*(excluding exempt and complying development)*

2. Replace all references to *Boker* with *Bokor* within the Instrument of Approval.
3. Delete GFA and its corresponding definition within Schedule 2 of the Approval.
4. Delete references to *Business Park* within the Stage 4 and Stage 5 definition listed in Schedule 2 and replace with *Site*.
5. Delete condition 1.1(e) of Schedule 2 and insert the following:
  - e) *correspondence titled Request for Modifications to Concept Approval, prepared by Scott-Taylor Communications and dated 14 January 2009;*
  - f) *the conditions of this approval.*
6. Within condition 1.1 of Schedule 2, replace all references to d) with e).
7. Insert after condition 2.2 of Schedule 2 the following:

*Note: For the purposes of the above modification, the eight northern lots are those accessed by the internal private road and located north of the east-west runway of the Illawarra Regional Airport.*

8. Insert after condition 2.6 of Schedule 2 the following:

*Note: For the purposes of the above modification, the northern wetland is that located north of the east-west runway of the Illawarra Regional Airport.*

9. Delete condition 2.8 of Schedule 2.
10. Renumber condition 2.9 as condition 2.8.
11. Delete condition 3.1e)vi) of Schedule 2.
12. Delete condition 3.1j) of Schedule 2 and replace with the following:

*j) demonstrate that the development (at ultimate completion and based on final site levels) is consistent with the documents referred to in condition 1.1, the reports prepared by GHD Pty Ltd (titled Albion Park Flood Review (February 2008) and Albion Park Flood Review Supplementary Review (March 2008)), and Council's flood study and floodplain management strategy (if completed at the time of lodgement). Should this identify unacceptable impacts on other development or properties (when considered in combination with the cumulative impact of development within the floodplain) which are attributed to the Site, mitigation measures must be identified within the application. This assessment shall be undertaken in consultation with Council.*

13. Within condition 3.1m) of Schedule 2, replace the reference to condition 2.9 with the following:

*condition 2.8*

14. Insert after condition 3.1n) of Schedule 2 the following:

*o) detail what arrangements have been made, in consultation with the Ministry of Transport to facilitate the provision of bus services to the site. Relevant infrastructure, such as bus bays, shall be suitably incorporated into the application.*

15. Insert within condition 3.8 of Schedule 2, after the words *All Stages of the Development*, with the following:

*(being Stages 1 – 5)*