

# Concept Approval

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

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979*, determine:

- a. Under Section 75O of the *Environmental Planning & Assessment Act 1979*, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- b. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development be subject to the requirements set out in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.
- c. Under Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future development shall be subject to Part 4 (or Part 5) of the *Environmental Planning and Assessment Act 1979*.

These modifications and requirements are to:

- Ensure the development is of appropriate character in terms of location, bulk, height and scale
- Ensure the development is reasonably consistent with the objectives for the Residential 2(g) zone and the strategic planning for the area,
- Ensure the development is consistent with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- Provide for an acceptable level of amenity for existing and future residents,
- Ensure the development does not adversely affect the growth potential of Moruya Town Centre,
- Ensure the development makes provision for a potential future bus service, provides for appropriate traffic management;
- Ensure the protection of existing riparian corridors and endangered ecological communities on site; and
- Ensure the development does not unreasonably burden the health resources of Moruya and the region.



The Hon Kristina Keneally MP  
Minister for Planning

Sydney,



2009

## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	Silver Spirit Partners
<b>Application made to:</b>	Minister for Planning
<b>Project Application Number:</b>	06_0322
<b>On land comprising:</b>	South Head Road and Princes Highway, Moruya Lots 1 & 2 in DP 553273, Lots 65 & 68 in DP 752151, Lots 1, 2, 3 & 4 of Section 33 in DP 758710, Lot 2 & 3 in Section 34 of DP 758710, Lots 1 & 2 of Section 42 in DP 758710, Lots 3 & 4 of Section 42 in DP 758710 - Auto Consol 3377-159, Portion 50,51 and 54 as described in deed of conveyance No 477 Book 3023
<b>Local Government Area</b>	Eurobodalla Shire Council
<b>For the carrying out of:</b>	<p>A housing for older persons and disabled persons development and residential subdivision comprising: <u>Subdivision</u></p> <ul style="list-style-type: none"> <li>Initial subdivision of the site to create seventeen (17) Torrens title residential allotments and one super lot.</li> <li>It is intended to further subdivide the super lot to create a total of 70 Torrens title residential allotments of various sizes.</li> <li>Remaining Torrens title allotment (size now unknown as the subdivision plan has not been updated) is to be the subject of a housing for older people and people with a disability development.</li> </ul> <p><u>Roads</u></p> <ul style="list-style-type: none"> <li>Concept plan seeks identifies the location of proposed roads, with one (1) road to be a public road (Albert Street) and the remaining roads, to be private roads.</li> <li>Entrance to the site from the Princes Highway has been replaced with a gated emergency access road.</li> <li>Main access to the site is proposed via a series of eleven (11) road and lane connections proposed along Albert Street and through Keightley and Maunsell Streets to South Head Road.</li> <li>Intersection of South Head Road and the Princes Highway to be upgraded into a traffic light controlled intersection.</li> </ul> <p><u>Dwellings</u></p> <ul style="list-style-type: none"> <li>Concept approval is sought for : <ul style="list-style-type: none"> <li>A total of 513 dwellings comprising 70 dwellings on the Torrens title lots and 443 dwellings for older people and people with a disability on the allotment to be the subject of Community title subdivision.</li> <li>The 443 dwellings for older people and people with a disability comprises: <ul style="list-style-type: none"> <li>120 hostel beds within a Dementia</li> </ul> </li> </ul> </li> </ul>

	<p>facility,</p> <ul style="list-style-type: none"> <li>▪ 48 apartments contained in three (3) apartment buildings in the "Village Square",</li> <li>▪ 24 apartments contained within four (4) "Manor Buildings", and</li> <li>▪ 141 terrace style dwellings and 110 courtyard style dwellings.</li> </ul> <p><u>Other</u></p> <ul style="list-style-type: none"> <li>• Other components proposed within the housing for older people and people with a disability are the Botanica Building, the ground level uses within the Village Square buildings, landscaping, an outdoor pool, tennis courts and a sewer pumping station.</li> <li>• The Botanica Building proposes to contain an indoor pool, yoga studio, gym, six (6) massage/treatment rooms, a spa, reception, showers, amenities, restaurant, bar, lounge, theatrette, 8 visitor accommodation rooms and administration offices.</li> <li>• The ground level uses of the Village Square proposes a library/meeting room/reading room, gallery/museum, professional suites, restaurant, post office, convenience store, sports bar, café, sub-newsagency, management/administration, staff amenities and storage</li> </ul>
Type of development:	Concept Plan
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

## PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0322

### Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

## PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act 1979*.

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**BCA** means Building Code of Australia

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**Botanica Building, Village Square Buildings, Dementia Buildings and Manor Homes** are defined on the Concept Plan, as outlined on drawing no. 00010154/01.01/01 Rev C, dated 11 December 2008 by DKO.

**Construction Certificate** means a construction certificate for bulk earthworks or civil works unless specified otherwise.

**Council** means Eurobodalla Shire Council

**CPI** means Consumer Price Index.

**DECC** means the Department of Environment and Climate Change or its successors

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by Mersonn Pty Ltd and dated February 2008, including all Appendices.

**Building Height (or height of building)** means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Minister** means the Minister for Planning.

**Project** means the project as described in Condition A1 to this approval.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Preferred Project Report** means the Preferred Project Report prepared by Mersonn Pty Ltd dated 10 December 2008.

**Proponent** means Silver Spirit Partners or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Response to submissions** means the Preferred Project Report prepared by Mersonn Pty Ltd dated 9 March 2009.

**RTA** means Roads and Traffic Authority

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## SCHEDULE 2

### MODIFICATIONS TO THE CONCEPT PLAN

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Project Description**

Concept Plan Approval only is granted to carrying out the project described in detail below:

- (a) Torrens title subdivision of part of the site, including construction of roads and landscaping;
- (b) Construction and use of seniors housing development, including self-care and assisted care dwellings and a dementia care facility, ancillary facilities, roads, infrastructure and landscape works;
- (c) Works to onsite Endangered Ecological Communities;
- (d) 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 access works on existing public roads; and
- (e) Construction of a portion of Albert Street,  
**except as modified by the requirements in this Schedule.**

##### **A2 Project in Accordance with Plans**

The project will be undertaken in accordance with the following drawings:

Concept Plan prepared by DKO Architecture Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
00010154/01.01.01	C	Concept Plan	11 December 2008

except for:

- (1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the modifications of this approval.

##### **A3 Project in Accordance with Documents**

The project will be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Environmental Assessment*, prepared by Mersonn Pty Ltd on behalf of Silver Spirit Communities, dated February 2008

Preferred Project Report Documentation

- b) *Response to Submissions Report and Amended Statement of Commitments* prepared by Silver Spirit Communities, dated 10 December 2008, as supplemented and amended by *Response to Submissions Report* prepared by Silver Spirit Partners, dated 9 March 2009.

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#### Additional Information

- c) *Ecological Guiding Principles and Constraints Report* prepared by Keystone Ecological, dated March 2007; *Ecological Constraints Report* prepared by Keystone Ecological, dated October 2007; *Flora and Fauna Impact Assessment* prepared by Keystone Ecological, dated October 2007; and Letter from Elizabeth Ashby (Keystone Ecological) to David Goodrich, 9 December 2008.
- d) *Subsurface Test Excavation Report* prepared by Julie Dibden New South Wales Archaeology, dated September 2005 ; and Letter from Julie Dibden to David Goodrich, Silver Spirit Partners, dated 16 October 2007
- e) *Heritage Assessment Report* prepared by City Plan Heritage, dated November 2005.
- f) *Traffic Impact Assessment* prepared by Traffix Consultants, dated April 2008; Letter from Tim Lewis (Traffix) to David Goodrich, dated 10 September 2008
- g) *Bushfire Protection Assessment* prepared by Australian Bushfire Protection Planners Pty Ltd, dated 14 June 2007.
- h) *Water Cycle Management and Flooding Report* prepared by Evans & Peck, dated June 2007; Letter from Evans and Peck to David Goodrich (Silver Spirit Partners) dated 8 April 2008; Letters from Evans and Peck to David Goodrich (Silver Spirit Partners) dated 11 September 2008 and 5 December 2008 (Issues of Concern by department of Planning; Groundwater Issues) as provided in Preferred Project Report; *Response to Department of Water and Energy Issues* prepared by EDAW dated 10 December 2008
- i) *Social and Economic Analysis Report* prepared by Sphere Property Corporation, dated April 2008; *Updated Assessment of Social Impacts* prepared by Sphere Property Corporation, dated November 2008
- j) *Economic Impact Assessment* prepared by Leyshon Consulting, dated 3 October 2007
- k) *Noise and Vibration Impact Assessment* prepared by Hyder Consulting, dated March 2007
- l) *Soil Survey and Acid Sulphate Soil Investigation Report* prepared by Sydney Environmental and Soil Laboratory Pty Ltd, dated 27 September 2006
- m) *Preliminary Site Investigation (Phase 1) Report* prepared by Sydney Environmental and Soil Laboratory, dated April 2008
- n) *Visual Impact Assessment Report* prepared by EDAW and dKO Architects, dated June 2007.
- o) *Accessibility Report* prepared by Morris Goding Accessibility Consulting, dated June 2007.
- p) *Noise Assessment Report* prepared by Koikas Acoustics, dated January 2008
- q) *Construction Management Plan* prepared by Hyder Consulting, dated January 2008

#### **A4 Inconsistencies**

- (1) In the event of any inconsistency between:
  - a) The modifications and conditions of this approval and the Statement of Commitments (at Schedule 3), the modification and conditions of this approval prevail;

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- b) The modifications and conditions of this approval and the drawings/documents referred to in conditions A2 and A3, the modification and conditions of this approval prevail; and
  - c) Any drawing/document listed in conditions A2 and A3 and any other drawing/document listed in conditions A2 and A3, the most recent document shall prevail to the extent of the inconsistency.

**A5 *Lapsing of Approval***

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.

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## **PART B —MODIFICATIONS TO THE CONCEPT PLAN**

### ***B1 Amendments to the Concept Plan***

The Concept Plan, as outlined on drawing no. 00010154/01.01/01 Rev C, dated 12 November 2008 by DKO, is modified as outlined in B2 to B13 below, to ensure that the development is of appropriate scale and character, is reasonably consistent with the objectives for the Residential 2(g) zone and the strategic planning for the area, provides for an acceptable level of amenity for existing and future residents, does not adversely affect the growth potential of Moruya Town Centre, makes provision for a potential future bus service, provides for appropriate traffic management, and appropriately deals with ecological issues.

### ***B2 Amended Subdivision Plan***

The Torrens title subdivision component of the development is amended as follows:

- (a) The north-western portion of the site (the portion of the site zoned Residential 2(g) fronting South Head Road to the west of the existing suburb of Mynora) is to be subdivided into Torrens title allotments, with lots adjoining the existing Mynora subdivision having a minimum lot size of 600m<sup>2</sup> and all other allotments having a minimum lot size of 450m<sup>2</sup>.
- (b) Torrens title allotments are to directly front Albert Street, with a minimum lot size of 600m<sup>2</sup>.
- (c) Torrens title allotments are not to be provided scattered throughout the Seniors Housing development, and are only to be located within the north-western portion of the site, adjoining Albert Street or in proximity to the Princes Highway in order to allow for the consolidation of the seniors housing ensuring walking distances to facilities within the development are not excessive.
- (d) All Torrens title allotments are to have frontage to a public road, to be designed in accordance with Council's standards, having a minimum reserve width of 15m, a minimum carriageway width of 7.5m and a footpath on at least one side of the road.
- (e) Albert Street is to be designed in accordance with Council's standards, having a minimum carriageway width of 9.5m and a combined footpath/cycle path on the southern one side of the road.
- (f) All Torrens title allotments are to have a minimum setback of 40m from the boundary of the site with South Head Road and the Princes Highway, which is to be landscaped and can incorporate sound attenuation structures (including fences and mounds).
- (g) Torrens title allotments are not to be designed to have rear lane access.
- (h) The layout of the Torrens title subdivision is to be designed such that the Braemar Farm Park (in the north west portion of the site) is to be surrounded by public roads, with no lots adjoining the park, and provision is to be made for parking either on the roads adjoining the park, or within a designated parking area within the park.
- (i) The road layout is to be altered such that no more than five roads intersect with Albert Street. Where such intersections are in proximity to existing, approved or proposed (in the case of the proposed subdivision fronting South Head Road to the north of the eastern portion of the site at Lot 69 DP 75215, known as 'Blue Mist') they are either to form an intersection opposite that road or are to be separated from that intersection by a minimum of 30m to avoid staggered "T" intersections.
- (j) A public loop road connecting with Albert Street is to be provided, capable of servicing a future bus service.



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### **B3      *Amendments to Seniors Housing components***

The seniors housing components of the development are to be amended as follows:

- (a) The Village Square buildings are to be relocated centrally within the development, ensuring it is within 400m walking distance (not as the crow flies) from all proposed seniors housing dwellings in the development.
- (b) Proposed road fronting the Botanica building (shown as RD01, Road No. 1, on drawing NS03755/C/Plan Revision 1, prepared by Hyder Consulting dated 1 April 2008) is to be relocated eastward such that it is located wholly within the Residential 2(g) zone to reduce the extent of fill required to provide flood free access.
- (c) All buildings, with the exception of the Village Square buildings, the Manor Houses and the Dementia buildings are to have a maximum height of 8.5 m.
- (d) The Manor House and Dementia buildings are to have a maximum height of 9m.
- (e) The Village Square are to have a maximum height of 12m. Consideration will be given to some minor components of the Village Square buildings exceeding 12m, such as lift overruns and architectural features (but these areas are not to include floor space).
- (f) The Botanica buildings are to be relocated to be wholly within the Residential 2(g) zoning and are to be located to be within 400m walking distance (not as the crow flies) from all proposed seniors housing dwellings.
- (g) The Dementia component of the development is to have a maximum of 120 beds and a minimum of 60 beds with the final number proposed to be determined in accordance with the medical and health services report requirements contained in condition C3.
- (h) Seniors housing is limited to a maximum of 272 dwellings, of which a maximum of 24 dwellings are to be located within Manor House style buildings, 48 dwellings are to be located within residential flat buildings (such as the Village Square buildings) and 200 dwellings are to be a mix of townhouse and courtyard dwellings. The final number of dwellings proposed is to be determined in accordance with the medical and health services report requirements contained in condition C3.

### **B4      *Amendments to Botanica Buildings***

The Botanica building component is to be amended such that:

- (a) The building is to have a maximum of 2500m<sup>2</sup> GFA, with a maximum height of 8.5m and no more than a single storey;
- (b) The building shall be reduced in scale. This may be achieved through breaking it into a series of smaller buildings with a maximum building footprint of 15m x 30m and one building with a maximum footprint of 20m x 35m;
- (c) The building/s must be fully located within the Residential 2(g) zone;
- (d) All floor levels must be at or above the flood planning level for the site of RL 5.3 AHD;
- (e) The building/s must be located within 400m walking distance (not as the crow flies) from all proposed dwellings;
- (f) The building/s must be fully accessible internally, from the adjoining street and from the adjoining parking area, in accordance with the requirements of AS1428 (other than the visitor accommodation of which at least one is to be accessible);
- (g) The building/s may containing only the following facilities:

- i. one indoor pool complex (maximum 2 pools/spas with a maximum water surface area totalling 28m x 10m), with at least one pool to be fully accessible having regard to the requirements of AS1428. It is noted that if an indoor pool complex is provided no second outdoor pool may be provided;
  - ii. change rooms and toilets;
  - iii. massage rooms (maximum 4);
  - iv. yoga studio;
  - v. gymnasium;
  - vi. supporting administration, reception and plant/store rooms
  - vii. theatrette (maximum 95 seat capacity), to have appropriate hearing loop and accessible seating facilities in accordance with the requirements of AS1428;
  - viii. visitor accommodation (maximum 6);
  - ix. motor scooter parking area; and
  - x. small café.
- (h) In addition, an outdoor tennis court facility (maximum 2 courts) may be provided, to be located outside the vegetation buffer areas and the riparian zones.
- (h) A parking area/s with a minimum of 20 spaces (10 to be accessible spaces in accordance with AS1428) is to be provided in proximity to the amended Botanica buildings. A minimum of 1 parking space is to be provided for each visitor accommodation unit, with accessible units to have an accessible parking space.

## ***B5 Amendments to Village Square Buildings***

The Village Square component of the development is to be amended as follows:

- (a) The Village Square is to be relocated centrally within the development, ensuring it is within 400m walking distance (not as the crow flies) from all proposed dwellings in the development and is to be relocated off the higher slopes of the site;
- (b) The three buildings (Buildings A, B and C) are to be broken into a series of smaller buildings, with reduced length. No building should exceed 45m in length;
- (c) Each building is to be articulated to break down the visual bulk of the building using vertical and horizontal elements, balconies and using stepping (minimum 1m depth) in the facades and changes in materials and colours;
- (d) Parking is to be provided underneath each building at a minimum ratio of one space per 2 bedrooms within the building and allocated accordingly;
- (e) Additional parking is to be provided in a convenient location for use by staff, together with a minimum five (5) accessible parking spaces for residents visiting the Village Square;
- (f) The ground floor uses within the buildings are to be limited to a maximum of:
  - i. 275m<sup>2</sup> of retail uses (including newsagency, postal service and convenience store);
  - ii. 615m<sup>2</sup> of food and beverage services (including restaurant, bar, café and kitchen); and
  - iii. 250m<sup>2</sup> of service suites (to include medical, health care and personal care – eg hair dressing, beauty, etc – services);

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- iv. All other facilities provided on the ground level are to provide for management services, storage and facilities for residents of the development free of charge (including library/reading/meeting rooms, gallery/museum, hobby rooms and the like).
  - (g) All retail and food and beverage services provided onsite are to be run and/or managed by the management of the centre on a not for profit basis and are to provide services only to residents of the development (and their guests in relation to food and beverage services). Home delivered meals are to be provided by the restaurant and/or café to all residents of the development upon request and at a reasonable price.

#### ***B6 Amendments to Dementia Buildings***

The Dementia buildings component of the development is to be amended as follows:

- (a) The access road is to be a sealed road;
- (b) Each of the wings (east and west) in buildings 1 and 2 of the Dementia Buildings is to be provided with an at ground secure private garden for use by residents (and their visitors) of that wing which is to have a minimum area of 200m<sup>2</sup>. The garden is to be fully accessible in accordance with the requirements of AS1428.

#### ***B7 Intersection Works Princes Highway/South Head Road***

A single lane roundabout is to be provided at the intersection of the Princes Highway and South Head Road. The design of the roundabout is to be prepared by the Proponent and approved by the Roads and Traffic Authority (RTA) and Council. The works are to be carried out to the satisfaction of the Roads and Traffic Authority and Council.

#### ***B8 Additional Traffic/Cycle/Pedestrian Facilities***

- (a) Unless it can be demonstrated that the impact of the noise generated from the proposed development upon the existing streets of Mynora (being Maunsell Street, and in particular, Keightley Street) is acceptable, access to the site from Mynora is to be deleted and an alternative direct access provided as a public road to connect the main body of the development, through the north-western sector of the development fronting South Head Road and connecting with South Head Road.
- (b) The intersections of Keightley Street and/or Maunsell Street with South Head Road or of the new road's intersection with South Head Road must comply with the requirements of Council and the need for improved sight distances and/or a turning lane at South Head Road is to be addressed. The upgrade to the intersection is to include a pedestrian/cycle crossing facility at South Head Road, provision of a shared path/cycleway on one side of the road.
- (c) An on-road cycle path is to be provided along one side of South Head Road from the western end of the existing suburb of Mynora to the intersection of South Head Road with the Princes Highway.

#### ***B9 Village Bus Service Provision***

A bus service to and from Moyura shall be provided for the use of residents of the Seniors Housing 'free of charge', or provision made for a public bus service to the development upon occupation of the development.

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**B10    *Endangered Ecological Communities***

Development (including any excavation or new open bodies of water/wetlands) is to be removed from all Endangered Ecological Communities (EECs) on the site. If not, a detailed offset package for any areas of EEC to be lost or impacted by the proposal or associated infrastructure is required. The offset package should be prepared in consultation with the Department of Environment and Climate Change.

**B11    *Riparian Zones***

The following riparian zones are to be provided surrounding the creeks existing on the site.

- (a) Racecourse Creek: 30m wide riparian zone to be provided either side of the creek bed, comprised of a 20m wide riparian zone and a 10m wide buffer zone; and
- (b) Two unnamed creeks: 10m wide riparian zone to be provided either side of the creek bed.

Any appropriate endemic species within the riparian and buffer zones are to be retained and enhances by revegetation with appropriate endemic riparian species. No recreational facilities, paths or seating is to be provided within the riparian zones.

**B12    *Braemar Farm Heritage Park***

The proposed park in the vicinity of the partly demolished former Braemar Farm cottage is to be a public reserve, to be dedicated to the Council and designed so as to incorporate sufficient land to include the footprints of the cottage and all outbuildings as well as the significant trees, and an interpretive display of the heritage of the site prepared. Until the park is to be developed, the existing structures on the site are to be secured and protected to prevent further deterioration of the structures and the trees are also to be protected and maintained.

**B13    *Staging***

The staging is to be revised such that there is a logical progression from the existing suburb of Mynora. The first stage must include the intersection works to the South Head Road and Princes Highway intersection and the intersection works and/or new road connection (including pedestrian and cycle facilities on that road) of the development with South Head Road.

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## **PART C— REQUIREMENTS FOR FUTURE APPLICATIONS**

Pursuant to section 75P(2)(c) of the Act the following requirements apply with respect to future stages of the project to be assessed under Part 4 of the Act:

### ***C1 Consistency of Future Development with Concept Plan as modified***

All future development, including the subdivision layout, and the Village Square and Botanica components must be consistent with the Concept Plan as modified by this approval in Schedule B.

### ***C2 Setbacks to South Head Road and Princes Highway***

- (a) The 40 metres setback area between lots along South Head Road and the Princes Highway is to be landscaped and suitable acoustic treatment provided (including fences and mounds) located no nearer the boundary of the road than 30 metres and to be of height no greater than 2.5 metres. The sound attenuation devices are to achieve appropriate noise levels within future dwellings on the site, and are to be appropriately landscaped to protect the visual amenity of the adjoining roads.

### ***C3 Seniors Housing components***

- (a) The application for any part of the seniors housing component of the development shall be accompanied with a Medical and Health services report, that justifies the final number of units/dwellings proposed.
- (b) The Medical and Health Services Report is to be prepared in consultation with the Greater Southern Area Health Service, Moruya Hospital, local GPs, other local medical and allied health services and local employment recruiters with experience in recruiting medical and health professionals. The consultation is to be undertaken by a qualified social planner in consultation with suitably qualified medical and/or health care professional.
- (c) The Medical and Health Services Report is to include a plan identifying how the health and medical care needs of the proposed residents within the seniors housing development are to be met both onsite and within the region. In this regard the report is to assess the needs of residents in relation to acute hospital care, chronic and complex care, community nursing, transitional aged care, allied health, cancer care and other specialist services and rural health transport services. The report is to specify which services will be available onsite and those that are to be provided within the region by existing services and facilities and is to identify the capacity levels of the services to be provided both on and off-site. The numbers of medical and health care staff required onsite to provide the services are to be specified and information provided on the ability to attract such staff to the region and the contingency plan to be put in place should such staff not be available or should such staff leave the employ of the facility.
- (d) The capacity levels and staff employment strategies are to inform the maximum size of the seniors housing component of the project, up to the maximum dwelling and bed numbers approved in the concept plan (as modified). In this regard the final size of the facility is to be limited by the medical and health care services that can be provided onsite or that can be catered for within the regional service system to ensure that the development does not overburden the medical and health care services of the region.

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**C4 Intersection Works Princes Highway/South Head Road**

- (a) The development application for any part of the seniors housing component is to show the provision of a single lane roundabout at the intersection of the Princes Highway and South Head Road.
- (b) Should the application be approved, the Proponent shall design and construct the roundabout, and show the details with the first construction certificate, for the approval of the RTA and the Council.
- (c) As there are other developments along South Head Road that should also contribute to the cost of the design and construction of the roundabout, the Proponent shall negotiate an agreed outcome with Council and the RTA, for the appropriate proportion of contribution that this development will make and the means for the Proponent to receive the release of contributions paid by other developments, held by the Council.
- (d) Should such negotiated outcome not be reached, either the Proponent or Council may refer the matter to the Director-General for determination. The Director-General's determination of the matter shall be final and binding on all parties, and shall take into consideration any submission made by either party in relation to an estimate of a contribution based on the principles of nexus and reasonableness as to relevant cumulative social and/or community impacts.
- (e) The roundabout and associated works are to be carried out to the satisfaction of the RTA and Council.

**C5 Intersections, Traffic, Cycle and Pedestrian Facilities**

The intersections, traffic, cycle and pedestrian facilities are to comply with B8. The development application must include the following:

- (a) An acoustic report is to be prepared to assess the impact of the noise generated from the proposed development upon the existing streets of Mynora (being Maunsell Street, and in particular, Keightley Street). The report is to address whether the additional traffic generated by the development will fall within acceptable standards for the area. The acoustic report is also to address the acoustic impact of using these streets for access during construction of the development and whether such traffic will result in unacceptable noise impacts.
- (b) Should either assessment find the impacts are above the acceptable standard, a direct road connection from the main body of the development, through the north-western sector of the development fronting South Head Road and connecting with South Head Road is to be provided. Such road is to be a public road and be designed in accordance with Council's standards, having a minimum reserve width of 16m, a minimum carriageway width of 8m and a combined footpath/cycle path on at least one side of the road. An acoustic assessment of the impact of the noise from such a road upon the residents in Maunsell Street is to be prepared and recommendations provided for acoustic measures required to ameliorate the impact of both ongoing and construction traffic as necessary.
- (c) The on-road cycle path to be provided along one side of South Head Road from the western end of the existing suburb of Mynora to the intersection of South Head Road with the Princes Highway is to be funded by the developer and is to be constructed prior to the occupation of 50% of the dwellings within the older and disabled persons development or the release of the subdivision certificate for more than 50% of the Torrens title subdivision, whichever ever occurs first.

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- (d) Subject to the results of the acoustic assessments a report is to be prepared by a suitably qualified traffic engineer, in consultation with Council, identifying the appropriate intersection upgrade required for the intersection of Keightley Street and/or Maunsell Street with South Head Road or of the new road's intersection with South Head Road.
  - (e) The upgrade to the intersection is to include a pedestrian/cycle crossing facility at South Head Road, provision of a shared path/cycleway on one side of the road and is to address the need for improved sight distances and/or a turning lane at South Head Road. All works to provide the upgrades are to be at the expense of the applicant and are to be completed prior to the occupation of the first stage of the development.
  - (f) The applicant is also to design an on-road cycle path along one side of South Head Road from the western end of the existing suburb of Mynora to the intersection of South Head Road with the Princes Highway. The cycle path is to be funded by the developer and is to be constructed prior to the occupation of 50% of the dwellings within the older and disabled persons development or the release of the subdivision certificate for more than 50% of the Torrens title subdivision, whichever occurs first.

#### **C6 Village Bus Service**

- (a) A public loop road connecting with Albert Street is to be designed to be capable of servicing a potential future bus service. The public loop road is to be designed in accordance with Council's standards, having a minimum reserve width of 16m, a minimum carriageway width of 8m and a combined footpath/cycle path on at least one side of the road. The loop road must travel past the relocated Village Square.
- (b) A village bus service, which operates at regular frequency between the development and Moruya Town Centre, shall be provided to service the development upon commencement of the first stage of development.

#### **C7 Endangered Ecological Communities**

- (a) Unless the development is removed to be clear of any EECs identified in the Department's assessment of the concept plan, the development application must be accompanied by an offset package, prepared in consultation with the Department of Environment and Climate Change and generally in accordance with "Appendix II : Principles for the use of biodiversity offsets in NSW" of the draft *Guidelines of Biodiversity Certification of Environmental Planning Instruments*, prepared by DECC, dated April 2007 (or version current at that time).
- (b) The area subject to the package, must be depicted on the appropriate application plans, and must identify the ratio of offset land to lost EEC land and justify the ratio proposed.
- (c) The areas agreed to be lost and compensated for by the proposed offset package are to be identified on the survey, which is to include a calculation of such areas for each distinct EEC. The survey must be undertaken under the supervision of suitably qualified ecologists and in consultation with the Department of Environment and Climate Change.
- (d) The survey map must identify:
  - i) Areas of the each distinct EEC to be unaffected by the proposal;
  - ii) Areas of the each distinct EEC to be impacted by infrastructure and the proposal; and
  - iii) Areas of EEC to be used as part of the Offset Package.

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- (e) The survey is also to identify 50m wide buffer zones surrounding the identified EEC areas for retention. The buffer zones are to form part of the offset package and are to be re-vegetated with appropriate species having regard to the adjoining EEC's characteristics. No recreational facilities, seating or pathways, or Asset Protections Zones are to be provided in the EECs or buffer zones.
  - (f) Suitable analysis of stormwater flows into the EECs and Riparian Corridors should be undertaken and demonstrate the impact from potential additional flows have a negligible impact (as a result of increased flows and velocities) on these ecosystems.

#### **C8 Braemar Farm Heritage Park**

- (a) The Braemar Heritage Park incorporating the collapsed Braemar Farm cottage is to be designed to incorporate sufficient land to include the footprints of the cottage and all outbuildings as well as the significant trees identified in the Heritage Report. Sufficient curtilage is to be provided around the footprint of all of the buildings to allow them to be interpreted as a group of items and the outbuildings are to be retained and restored to assist with the interpretive display required to be provided within the park to allow an understanding of the heritage of the site
- (b) The interpretive display is to include either an outline of the collapsed cottage with interpretive signage and displays or a reconstructed frame of the building. The park is to be fully landscaped and surrounded by public roads and is to be dedicated to Council upon completion. Parking is to be provided for use by persons visiting the park either on the surrounding streets or in a parking area within the park. The park is to include seating and appropriate landscaping. The details of the design of the park and the interpretive works and displays are to be provided with the development application for the stage including the park.
- (c) The layout, location and size of the park is to be informed by a survey to be prepared identifying the location of the collapsed Braemar Farm cottage, all outbuildings as well as and the significant trees identified in the Heritage Report. The layout, location and size of the park is to be included in the Amended Concept Plan.
- (d) Until the park is to be developed, the existing structures on the site are to be secured and protected to prevent further deterioration of the structures and the trees are also to be protected and maintained.

#### **C9 Staging**

The revised staging plan must show sequential work commencing either with the portion of the site immediately to the west or the south of the existing suburb of Mynora and continuing to extend away from the suburb, such that at all times the work being undertaken is contiguous with existing development (ie there are no undeveloped areas between the existing developed areas and the next stage).

#### **C10 Sewerage System and Water Supply**

Proposed sewerage system and water reticulation system shall be prepared in accordance with Council's codes and specifications. The systems will be provided at full cost to the proponent and to the satisfaction of Council.

#### **C11 Affordable Housing and Compliance with SEPP (Housing for Seniors or People with a Disability) 2004 (SEPPSeniors)**

Future development applications shall accommodate a component of 'affordable housing' (as defined by the SEPP Seniors which should equate to at least 10% of the dwellings (to be identified as part of future applications). This is based on the requirement under the SEPP Seniors for Vertical Villages (Part 5, Clause 46 (6)).



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### **C12 Courtyard Houses**

- (a) The roof form of courtyard houses shall be of appropriate bulk, and consideration given to hipped or flat roof forms.
- (b) Side fences should be of appropriate height, particularly when required to be placed on retaining walls. Any wall over 2 m shall be landscaped.
- (c) Devices to provide on the southern elevation of dwellings shall be designed to allow maximum light penetration
- (d) Each dwelling shall have at least open space area leading off the primary living area of the dwelling, particularly on corner lots. The need for privacy vs casual surveillance must be balanced.
- (e) Screening provided to courtyard houses.

### **C13 Easements for Services**

All necessary easements for services must be documented in future applications for subdivision and built form development.

### **C14 Sustainability**

Future applications shall address sustainability requirements including solar access, and energy and water efficiency and meet the applicable requirements of BASIX, as a minimum.

### **C15 Aboriginal Heritage Management Plan**

The proponent must prepare and implement an Aboriginal Heritage Management Plan (AHMP) for the project. The plan should provide the basis for dealing with any outstanding commitments required to manage and mitigate impacts to Aboriginal Heritage within the proposed development. The AHMP should:

- a) Describe the management and mitigation measures proposed for those Aboriginal heritage objects/sites to be impacted, in consultation with the Aboriginal stakeholders and DECC. A copy of the final report on the results of the proposed archaeological salvage program should be forwarded to the DECC Queanbeyan Office to allow for entry on the Aboriginal Heritage Information Management System (AHIMS) report database and updating of the AHIMS Register.
- b) Describe the long term management measures proposed for any Aboriginal objects that may be relocated, returned to or otherwise dealt with by an Aboriginal owner or transferred to an Aboriginal person or group, as part of any proposed management mitigation measures. If relocation of Aboriginal objects is proposed the proponent is to advise the DECC Queanbeyan Office of the details of the location of objects by providing DECC Site Recording form for entry on the AHIMS Register. If any Aboriginal Objects are to be transferred, details of the transfer objects is to be provided to the DECC and a care agreement must be arranged and issued under Section 85A of the *National Parks and Wildlife Act 1974*.
- c) Describe the management measures proposed for those Aboriginal heritage objects and areas nominated for active conservation recorded during the assessment that will not be impacted during the construction works, in consultation with the Aboriginal stakeholders and DECC to ensure that the management measures are appropriate for each site.
- d) Detail the process that will be followed for continuing consultation with the Aboriginal stakeholders and DECC, where required; and
- e) Describe the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project, including a commitment to the immediate stop work and notification of the NSW Police and DECC. Arrangements for handling human remains are, in part, governed by legal provisions as laid down in the Coroner's Act, by

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police regulations and policies and in the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

END

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**SCHEDULE 3**

**STATEMENT OF COMMITMENTS**

# SILVER SPIRIT COMMUNITIES

## Amended Statement of Commitments

The commitments listed in the following section have been compiled based on the environmental assessments undertaken in the preparation of this EA. They provide a commitment from the proponent, indicating responsibilities and timing, to implement measures to minimise the risk of potential environmental impacts that have been identified through this assessment and ensure that the project is environmentally, socially and economically sustainable.

The proponent is committed to maximising the environmental, social and economic benefits of this proposal and minimizing any potential negative impacts. The measures that the proponent will implement to achieve these objectives are outlined below.

### General

The development will be carried out in accordance with the Environmental Assessment (EA), prepared by Mersonn Pty Limited, February 2008, supporting reports and drawings, as amended by Report dated 10th December 2008.

### Ecology

Measures described in the EA to protect Flora of Conservation Significance, Fauna of Conservation Significance and Endangered Ecological Communities within the boundaries of the site will be implemented during and consequent to the development of the proposal. Furthermore the proponent is committed to a program of environmental restoration works including rehabilitation, regeneration and planting with native and local flora species in all areas of the project including the southern riparian corridor, the northern riparian corridor and the floodplain.

The proponent will install and maintain artificial nesting boxes in the retained trees to compensate for the loss of any hollow bearing trees as a result of development. These commitments will be undertaken within the appropriate stages of the development in accordance with the demand from the market.

The proponent will provide an ecological offset of 4.6:1 in lieu of the Lowland Grassy Woodland to be utilised for the development.

The proponent also commits to implementing a riparian corridor management plan to ensure the ongoing health of these community assets. Discussions have already taken place with the Cobowra Local Aboriginal Land Council (LALC) to utilise indigenous skills and labour to deliver upon this commitment.

### European Heritage

A photographic recording will be made of the remaining buildings on the Braemar Farm cottage site in order to preserve an historical record of their presence.

All planting surrounding the cottage will be retained and incorporated within designs for future development of the site.

# SILVER SPIRIT COMMUNITIES

On site interpretive interventions will be carried out at the site of the cottage in order to provide a brief history and description of the sites significance. In addition a network of interpretive and informational signage will be created depicting both the European heritage of the site and also the Indigenous heritage of the area.

## Aboriginal Heritage

The following management strategies will be implemented to address conservation of Aboriginal heritage values identified on the site:

No.	Issue	Mitigation Measure
1	SU2, SU4, SU12, SU19	Consider option of conservation; otherwise items should be salvaged in accordance with the correct procedure and permits (if required).
3	SU10	Full conservation not warranted, however conservation of part of the Survey Unit could be considered. If parts of this survey unit are to be exempt from development impacts active measures should be taken to ensure no inadvertent impacts occur to archaeological deposits. If direct impacts are proposed for the survey unit items should be removed in line with the correct procedures.
4	SU11	Conservation not warranted; items should be salvaged in accordance with the correct procedure and permits (if required).
5	General	Prior to the commencement of any vegetation clearing, earthworks or other invasive development-related activities, all construction contractors should be advised of their legal obligations with regard to Aboriginal Cultural Material.
6	General	Should any material evidence thought to be of Aboriginal origin be discovered or exposed during any stage of the development, work must immediately cease in that locality. The Department of Environment and Conservation and the Cobowra LALC should then be contacted for management advice and clearance given by these organisations before work resumes in the subject area. Specifically, as outlined in Section 91 of the NPW Act, a person who is aware of the location of an Aboriginal object must notify the appropriate authorities within a reasonable time after discovery.

The proponent undertakes to continue their close working relationship with the Cobowra Local Aboriginal Land Council (LALC) and to

# SILVER SPIRIT COMMUNITIES

## Soils and geotechnical matters

The issues identified by the Sydney Environment and Soil Laboratory Report (2006) and the recommended mitigation measures to address these as detailed in the table below will be implemented.

1	Upland Granite	<p>Should decomposed be used for paths, etc no long steep cuts are to be made without retention.</p> <p>Building in where there is a sizable clay content in the upland units of the subsoil will require filling and drainage of the soils on the upper side of the fill to avoid causing water-logging.</p> <p>The clay B horizon material will be stripped to use as clay liner for any structures dug into the deeper gravely colluvium.</p>
2	Humose Hydrosol	Once the project has taken final shape quantitative acid sulphate (POCAS) testing will be undertaken in any areas of the flood plain where soils are to be disturbed and an acid sulphate management plan if any are found.
3	Salic Hydrosol	If any road construction is to occur in areas where this soil type occurs it will be determined if preloading, filling with hard fill and installation of a membrane liner or capillary break is required.
4	Sulphidic Interdidal Salic Hydrosol	<p>Use of lime and the avoidance of the bringing to the surface any soil from depth in any future construction work is required in areas where this soil type occurs.</p> <p>Appropriate engineering response will be required for infrastructure installation in areas where this soil type occurs.</p>
5	Need for quantitative advice on soil melioration and management.	Once the project has taken final shape a soil recovery and management report requiring additional agronomic and erosion based testing will be undertaken.

As the letter from Sydney Environmental Soil Laboratories notes, the only acid sulphate issue pertain to the tidal flat area well within the floodplain where no development occurs. This area will be undisturbed by development. There are no acid sulphate issues within the development zones within the project. The sewage pumping station is located a significant distance from the tidal flat zone and all engineering works associated with implementing the infrastructure will not disturb any of the aforementioned zone.

# SILVER SPIRIT COMMUNITIES

## Bushfire hazard

Asset Protection Zones as indicated in the EA report and on the relevant drawings will be instated. Aside from the instatement of asset protection zones, the following mitigation measures will be implemented:

1	Maintenance	The Asset Protection Zones and the landscaped areas of the site shall be maintained in accordance with Appendix 5 of <i>Planning for Bushfire Protection 2006</i> and the NSW Rural Fire Service's "Specifications for Asset Protection Zones".
2	Management	A Bushfire Management Plan shall be prepared to address the maintenance of the bushfire fuels within the site, including the Asset Protection Zones, landscaped gardens and residual vegetation/riparian corridors and the need to minimise the potential for fire occurrences within the EEC vegetation in the creek corridors.
3	Management	The Bushfire Management Plan shall be submitted to the NSW Rural Fire Service for approval. The Fire Management Plan shall form an annexure to the Community Management Statement for the Village.
4	Construction	The minimum construction standard to the future buildings that are exposed o the bushfire hazard within the vegetation on the floodplain to Racecourse Creek and the residual vegetation in the south-eastern corner of the southern precinct shall be Level 1 specifications of Australian Standard A.S. 3959-1999, "Construction of Buildings in Bushfire Prone Areas".
5	Construction	The roof gutters and valleys to the future Dementia buildings shall

# SILVER SPIRIT COMMUNITIES



MORUYA  
EAST VILLAGE

Figure 2.1 Landform and Soils



# SILVER SPIRIT COMMUNITIES

		be fitted with a protection system which minimises the accumulation of combustible materials. The protection device shall have a flammability index of less than 5, measured against the performance standards of AS1530.2.
6	Access	Future access roads within the development shall be constructed to comply with the specifications of Section 4.1.3 of <i>Planning for Bushfire Protection 2006</i> .
7	Access	The minimum internal road carriageway width shall be 6.5 metres, exclusive of car parking to one side of the road, with the capacity of the road surfaces sufficient to carry a fully laden fire appliance with a GVM of 15 tonnes.
8	Access	The minimum perimeter and through road width shall be 7.0 metres with designated passing bays strategically located so as to provide passing for fire fighting vehicles.
9	Access	The capacity of the surface of the internal roads shall be sufficient to carry a fully laden Category 1 Rural Fire Service Tanker with a GVM of 15 tonnes.
10	Access	The proposed perimeter fire trail to the southwest of the northern precinct and to the west of the southern precinct shall be constructed to comply with the specifications of Section 4.1.3 of <i>Planning for Bushfire Protection 2006</i> . The minimum formed width for the fire trail shall be 4 metres with an additional one (1) metre provided to each side, clear of all grasses and shrubs.
11	Access	The capacity of the surface of the trail/s shall be sufficient to carry a fully laden Category 1 Rural Fire Service Tanker with a GVM of 15 tonnes.
12	Access	The service road/emergency access link to the southeast of the Dementia buildings shall be constructed to a minimum width of 4.0 metres with no parking to both sides, be one-way and be provided with fire fighting operational platforms, clear of the road width, strategically located for structure fire operations within each building.
	Hydrants	A mains pressure hydrant water supply and hydrant ring main shall be provided within the development, in accordance with the specifications of Australian Standard A.S 2419.2.
13	Hydrants	Hydrants shall have a flow rate of 10 litres / second. Blue hydrant markers shall be provided to locate the positions of the hydrants. The markers shall be positioned on the hydrant side of the centreline of the road pavement.

# SILVER SPIRIT COMMUNITIES

14	Hydrants	The residential buildings within the estate shall be connected to this supply and will be fully compliant with the provisions of the Building Code of Australia, including the provision of hose reels/hydrants within the Special Fire Protection buildings.
15	Hydrants	Dependant upon the adequacy of the mains supply, a booster valve assembly maybe required so as to permit attending fire appliances to increase the supply pressure.
16	Hydrants	Should a booster assembly be required, a "lay-by" parking bay shall be provided at the booster assembly and that external "Millcock" valves [Landing Valve] Hydrants be provided in locations which will assist in the extinguishment of bushfires that occur in the vegetation in the Racecourse Creek riparian/floodplain corridor.
17	Evacuation	An Evacuation Plan shall be prepared, at the Construction Certificate stage, for the Village which establishes the primary evacuation triggers/causes and the protocols for the timely relocation/evacuation of residents and staff/visitors of the Village.
18	Evacuation	A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee/Police, NSW Fire Brigade and NSW Rural Fire Service.
19	Evacuation	The Evacuation Plan shall comply with AS 3745 -2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".

## Soil erosion and sediment control

Measures to address soil erosion and sediment control in the following table will be implemented.

1	<b>Management of soil erosion and sediment control</b>	<p>Prior to any earthworks commencing on site, erosion and sedimentation control measures will be put in place generally in accordance with Council requirements and the NSW Department of Housing Manual, "Soils &amp; Construction" 2004. These measures will include:</p> <ul style="list-style-type: none"> <li>The installation of a 1.8m high chain wire fence covered with Hessian, to</li> </ul>
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# SILVER SPIRIT COMMUNITIES

		<p>the perimeter of the development area for security and wind protection.</p> <ul style="list-style-type: none"> <li>• The construction of silt fences on the low side of all site areas to be disturbed.</li> <li>• The provision of a sediment basin/s through which stormwater runoff shall be channelled. The basin will be located to suit the staged construction of the earthworks.</li> <li>• Provision of temporary truck wash down facilities as required, to the exits from the site.</li> </ul>
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## Hydrology

Measures to maintain local and on-site water quality and provide protection from flood in the following table will be implemented.

Parameter	Pre-Development	Post-Development (No Treatment)	Post-Development (With Treatment)	Treatment Reduction
Flow (ML/yr)	50	104	92	11%
Total Suspended Solids (kg/yr)	13,900	20,000	5,540	72%
Total Phosphorus (kg/yr)	36.2	41.2	15.1	63%
Total Nitrogen (kg/yr)	196	296	162	45%
Gross Pollutants (kg/yr)	0	2,180	0	100%

## Infrastructure

The proponent is committed to completing all necessary infrastructure works in accordance with the Stage Plan which itself is dependent upon the demand from the market. This commitment relates to sewage (pump station and rising main), electricity, water and telecommunications. Discussion with the Eurobodalla Shire Council (ESC) in relation to the timing and payment for these pieces of infrastructure are ongoing and will form the basis of a Voluntary Planning Agreement between the proponent and the ESC. In discussions between ESC engineers and Hyder Consulting, it has been determined that the first 50 houses within the project and a component of the Botanica health and wellness facility can be services utilising the existing Mynora Estate sewage infrastructure.

## Social and Community

The proponent undertakes to provide shuttle bus/transportation service for the residents of the Moruya East Village project from at least two locations within the Village to the Moruya Town Centre and Moruya Hospital. This will be generally available from 8.30am to 5.30pm everyday and regular intervals throughout the day. Furthermore, negotiations with Marshall's Bus Company the provider of the local

# SILVER SPIRIT COMMUNITIES

bus service have been undertaken. They are prepared so long as there is an access granted for the project onto the Princes Highway, to include the Moruya East Village on the normal local bus routes to and from the Town Centre.

Then proposal in its current form provides the residents with a comprehensive array of professional health and wellness services and facilities. These will initially be located within the Botanica health and wellness facility however as the project expands to its larger capacity; a suite of professional rooms will be located around the Village Square. These facilities will include a GP, dentist, podiatrist, physiotherapist amongst others.

## Site Access

Access to the project will be via Albert Street and onto South Head Road. The proponent commits to contributing to the costs of the new roundabout at the intersection on South Head Road and the Princes Highway according to a formula (yet to be agreed) that reflects the usage characteristics and demographics of the future residents of the Moruya East Village and the economic staging impacts of the project in accordance with the market demand for the product.

A gated emergency access will be provided to the Princes Highway in lieu of the previous proposed main access point.

## Botanica

Botanica will be amended in accordance with the plans contained in this revised submission. The changes include the deletion of 4 Club Rooms and the community hall in addition to 20 car parking spaces and a reduction in length of the building plus fretting of the roof form as agreed in discussions with the Department of Planning urban designer on 13<sup>th</sup> November 2008.

The proponent also accepts a condition of consent that restricts the use and operation of Botanica to the operators/managers of the Housing for Older People or People with a Disability project. The facility is for the exclusive use of resident of Moruya east Village and their guest or those so authorised by the operators/manager of the project.

## Road Access to the Public

1. The proponent commits to grant an easement to the owners of the Torrens title lots and to the general public to pass over the roads with the subdivision. There is an opportunity for a number of these major roads within the development to be dedicated as public roads. The proponent commits to a future good faith negotiation with the Eurobodalla Shire Council if the Council believes it is desirable for the roads to be dedicated as public.