

Modification of Major Project Approval

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

I, the Deputy Director-General, Development Assessment and Systems Performance, as delegate of the Minister for Planning, under the Instrument of Delegation dated 25 January 2010, modify, under section 75W of the *Environmental Planning and Assessment Act 1979*, the Project Approval referred to in Schedule 1 in the manner set out in Schedule 2.



Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Dated this 9th day of August 2010

MP 07_0032 MOD 1

SCHEDULE 1

Project approval is granted only to carrying out the project described in detail below:

- 1) Subdivision of 181 allotments:
 - 167 single dwelling lots (FSR 0.5:1) and;
 - 14 townhouse/terrace style house lots (FSR 1:1);
- 2) Creation of one super lot for apartments with an FSR 1.35:1 up to a maximum of 1.8:1 for design excellence as per Concept Plan Approval (MP06_0094);
- 3) Boundary re-adjustment to correspond with road alignment;
- 4) Display Village – Land use approval for 3 dwellings and Construction approval for a temporary sales office and parking for 14 cars;
- 5) Earthworks over 2 stages unless the timing of the subdivision requires an alternative approach to the staging of earthworks;
- 6) Roads, bridges, footpaths, cycleways, acoustic wall, utility services and infrastructure as necessary to support the residential development; and
- 7) Landscaping, creek design and riparian corridor creation.

SCHEDULE 2

The above approval is amended as follows:

(a) Delete the following Condition:

B50 Conservation Agreement

~~In accordance with the Statement of Commitments, a draft Voluntary Conservation Agreement under the National Parks and Wildlife Act, 1974 should be prepared regarding the cultural heritage of the site and shall be prepared in consultation with the National Parks and Wildlife Service (NPWS-DECC) and submitted to the CA prior to the issue of a Construction Certificate, excluding a Construction Certificate for that component of the project relating to the replacement Wrexham Road railway bridge.~~

~~Should the National Parks and Wildlife Service (NPWS-DECC) not wish to enter into a conservation agreement for the site, then any relics found on the site are to be collected and dealt with as per the conditions relating to heritage in other parts of this determination.~~

(b) Delete the following Condition:

B51 Archaeological Investigations

~~Sample test excavation shall be carried out in the areas identified in Figure 6 of the Desktop Assessment of Archaeological Potential, prepared by Susan McIntyre-Tamwoy, Heritage Consultant, April 2007, prior to commencement of works in those areas. In this regard, test excavation does not need to be carried out prior to commencement of works in Stage 5 of this subdivision. All Archaeological Investigations must be done in consultation with the Aboriginal community as outlined in the Statement of Commitments.~~

(c) Delete Condition E30 and replace with the following:

D19 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

Archaeological test investigation of the areas identified in blue shading on Figure 6 of the Desktop Assessment of Archaeological Potential, prepared by Susan McIntyre-Tamwoy, Heritage Consultant dated April 2007 shall be undertaken prior to works commencing in that area. Relics that are salvaged during the archaeological test investigation shall be analysed, recorded and documented by an appropriately qualified heritage consultant. Any relics discovered shall be conserved in situ or placed in a depository as determined appropriate by a suitably qualified archaeologist in consultation with the NSW Heritage Branch of the Department of Planning.

(d) Delete Condition E31 and replace with the following:

D20 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

(a) Prior to the commencement of sub-surface works:

- archaeological sample test excavation is to be carried out in the areas identified in Figure 6 of the Desktop Assessment of Archaeological Potential, prepared by Susan McIntyre-Tamwoy, Heritage Consultant dated April 2007
- the Aboriginal community is to be provided with the opportunity to walkover the development area to allow for community collection of Aboriginal cultural materials should any be discovered;
- To satisfy (ii) above the Northern Illawarra Local Aboriginal Land Council (LALC), the Wadi Wadi Coomaditchie Aboriginal Corporation, the Korewal Eloura Jerrungurah Tribal Elders

Corporation, the Wodi Wodi Elders Corporation and Sandon Point Aboriginal Tent Embassy, shall be given 7 days notice of the time and arrangements for the walkover.

- any community collection of Aboriginal cultural material should be carried out under the supervision of a qualified archaeologist;
- the location of each item of cultural material must be recorded using GPS coordinates and analysis of artefacts must occur in a comparable manner as that of any Aboriginal cultural material retrieved from the programme of archaeological test excavation; and
- any objects recovered from community collection must be deposited with the Australian Museum or such other place as determined by DECCW once analysis has taken place.

(b) If human remains are disturbed in, on, or under the land during the course of sub-surface works, the proponent must:

- not further disturb or remove those remains;
- immediately cease all work at the particular location;
- notify DECCW's Environmental Line on 131 555 and the local police as soon as practicable and provide any available details of the remains and their location; and
- not recommence work at the particular location unless authorised in writing by the relevant authority.

(e) **Delete Condition E32 and replace with the following:**

Condition E32 - Final Excavation Report(s) – Archaeological works

After archaeological works are undertaken, a copy of the final excavation reports shall be prepared and lodged with the following organisations:

- (a) For reports on Non-Aboriginal Objects (Condition D19) with the NSW Heritage Branch of the Department of Planning, Local Studies Library and Local Historical Society in the Wollongong local government area; and
- (b) for report(s) on Aboriginal Objects (Condition D20) with the AHIMS of DECCW and with the Illawarra Local Aboriginal Land Council, the Korewal Eloura Jerrungurah Tribal Elders Corporation, The Wadi Wadi Coomaditchie Aboriginal Corporation, the Wodi Wodi Elders Council, Sandon Point Aboriginal Tent Embassy and the Local Studies Library and Local Historical Society in the Wollongong local government area.

END OF MODIFICATIONS TO MP 07_0032