

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the concept and project applications referred to in schedule 1, subject to the conditions in schedules 2 and 3.



Michael Woodland
Director
Metropolitan and Regional Projects South

Sydney *24 March* 2011.

SCHEDULE 1

Concept & Project Approval:

06_0060 and 06_0058 granted by the Minister for Planning on 25 January 2007 as amended by modification approvals granted on 8 October 2007, 9 July 2008, 6 February 2009, 13 February 2009, 11 December 2009, and 2 September 2010.

For the following:

A Concept Plan involving:

- a 603 residential lot subdivision;
- a residential development for adaptable housing;
- commercial development; and
- environmental protection measures on the remaining land.

A Project Application for:

- a 603 lot residential subdivision;
- an open space area of at least 60 hectares comprising, water sensitive urban design/asset protection zones and urban parks, and at least 48 hectares of environmental conservation areas;
- an internal road network,
- three access points to Naval College Road;
- construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing, water sensitive urban design measures and landscaping of public places in streets and parks, and
- closure of unformed roads at Lots 801 and 802 DP 102286 and Lots 72-75 DP 874040, Vincentia.

Modification:

Modification of the concept and project approvals for:

- the creation of 21 new residential lots along Naval College Road (bringing the total number of residential lots to 595), including the construction of an acoustic fence along their boundary with Naval College Road; and
- the postponement of the construction of the roundabout intersection at Access A.

SCHEDULE 2

The Concept Approval is modified by:

1. Delete Part A, A1 and replace it with:

Table A1

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney)
Application made to:	Minister for Planning
Major Project Number:	06_0060
On land comprising:	Lot 237 DP1141763
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Concept Plan for a 595 lot residential subdivision, a residential development for an adaptable housing area, a commercial development, and environmental protection measures on the remaining land.
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination:	Concept approval is granted subject to the conditions in the attached Schedule 4.

2. Delete Part A, A2(1)(a) and replace with:

(a) up to 595 residential lots.

3. Delete Part A, A3(2)(a) and replace with:

(a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd letter dated August 2007, as amended by Don Fox Planning Pty Ltd letter dated April 2008, as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, and as amended by Don Fox Planning letters dated 9 July 2010, 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2011 and Statement of Commitments dated 1 February 2011.

4. Delete Part A, A1(a) in Schedule 4 and replace with:

(a) up to 595 residential lots

SCHEDULE 3

The Project Approval is modified by:

1. Delete Part A – Project Approval A1 Table and replace with the following:

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney)
Application made to:	Minister for Planning
Major Project Number:	06_0058
On land comprising:	Lot 237 DP 1141763
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Project Application for a 595 lot residential subdivision.
Capital Investment Value:	\$150 million
Type of development:	Project approval under Part 3A of the Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 4.

2. Delete Part A, A2(f) and replace with the following:
 - (f) a 595 residential lot subdivision.
3. Delete Part A, A3(2)(a) and (b) and replace with the following:
 - (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd letter dated August 2007, as amended by Don Fox Planning Pty Ltd letter dated April 2008, as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, and as amended by Don Fox Planning letters dated 9 July 2010, 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011.
4. Delete Schedule 4, A1(a) and replace with the following:
 - (a) a 595 residential lot subdivision.
5. Delete Schedule 4, A4(1) and replace with the following:
 - (1) Pursuant to Division 6 of Part 4 of the Act, a monetary contribution shall be paid by the proponent to Council of \$2,496,666 (current to October 2005).

6. Insert new conditions A7 to A11 inclusive immediately after condition A6 as follows:

A7 A Restriction as to User under s.88B of the Conveyancing Act shall be created over the titles of lots 601-610 and 1001-1011 approved as part of Modification 9 that restricts vehicular access to these lots to across their north eastern boundary. The specific wording of this restriction is to be agreed between Stockland and Shoalhaven City Council.

A8 A Restriction as to User under s.88B of the Conveyancing Act shall be created over the titles of lots 601-610 and 1001-1011 approved as part of this Modification 9 that requires all dwelling house or multi unit housing development on these lots to comply with the recommendations of the report titled "Bushfire Protection Assessment of proposed section 75W Application for Proposed Modification of Subdivision Layouts ay Western and Central precincts Stockland Vincentia" prepared by EcoLogical Australia and dated 30 November 2010, and the requirements of Planning for Bushfire Protection 2006 and Australian Standard AS3959-2009. The specific wording of this restriction is to be agreed between Stockland and Shoalhaven City Council.

A9 The roundabout at Access A is to be constructed as part of the works for Stage 6 as shown in the Proposed Staging Plan Drawing No. 4107 Rev. 15 prepared by Forbes Rigby Pty Ltd dated 31 January 2011 and no subdivision certificate is to be issued for Stage 6 or any other stage in the Village West until this roundabout has been constructed to the satisfaction of Council.

A10 A Restriction as to User under s.88B of the Conveyancing Act shall be created over the titles of lots 601-610 and 1001-1011 approved as part of Modification 9 requiring the owners of each lot to ensure that any construction, earthworks or planting within the rear yard of these lots does not adversely impact on the structural integrity of the acoustic screen. The specific wording for this restriction is to be agreed between Stockland and Shoalhaven City Council.

A11 A Restriction as to User under s.88B of the Conveyancing Act is to be created over the titles of lots 601-610 and 1001-1011 as approved as part of Modification 9 requiring that appropriate noise mitigation measures are to be considered in the design for all two storey dwellings on these lots to ensure compliance with DECCW's "*Environmental Criteria for Road Traffic Noise*" (ECRTN). These considerations are to include the use of mechanical ventilation to enable windows to be kept shut and the siting of bedrooms and sensitive living areas away from sources of traffic noise. The specific wording for this restriction is to be agreed between Stockland and Shoalhaven City Council.

A12 A Restriction as to User under s.88B of the Conveyancing Act is to be created over the title of lot 1011 as approved as part of Modification 9 prohibiting the construction of a dwelling within that part of the site identified as an Asset Protection Zone (APZ) in the report titled "Bushfire Protection Assessment of Proposed section 75W Application for Proposed Modification

of Subdivision Layouts at Western and Central Precincts Stockland Vincentia”
prepared by Ecological Australia Pty Ltd and dated 30 November 2010.
