

Modification of Project Approval

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

As delegate of the Minister for Planning, the Independent Planning Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Commission Member

Commission Member

Commission Member

Sydney

2019

SCHEDULE 1

Project Approval:	MP 06_0276 granted by the Minister for Planning on 15 June 2008
For the following:	The carrying out of a 166 lot subdivision with three public reserves, services and infrastructure
Applicant:	Hazcorp Pty Ltd.
Consent Authority:	Minister for Planning
The Land:	Lot 1 DP 1087105 & Lot 4 DP 1087106 off Leo Drive, Narrawallee
Modification:	MP 06_0276 MOD 3: the modification includes: <ul style="list-style-type: none">• a reduction in the number of public open space reserves from three to two, and a reduction in the total open space from 27,246m² to 23,195m²• an increase the number of residential allotments from 166 to 172• amendments to the staging plan• amending Condition B10 to identify the location of the traffic calming devices required on Leo Drive• deletion of the requirement to provide a sewerage pumping station within Stage 4• administrative modifications to conditions to reflect the changes outlined above.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 1, Part A – Table is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the **~~bold struck-out~~** words/numbers as follows:

Application made by:	Hazcorp Pty Ltd PO Box 373 Narellan NSW 2567
Application made to:	Minister for Planning
Major Project Application:	MP 06_0276
On land comprising	Lot 1 DP 1087105 & Lot 4 DP 1087106 off Leo Drive, Narrawallee
Local Government Area	Shoalhaven LGA
For the carrying out of:	A 166 <u>172</u> lot subdivision with three <u>two</u> public reserves, services and infrastructure
Estimated Cost of Works	\$6.72 million
Type of development:	Major Project
S.119 Public enquiry held:	No
Determination made on:	15 June 2008
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

- (b) Schedule 1, Part C – Definitions is amended by the insertion of the **bold and underlined** words and the deletion of the **~~bold struck-out~~** words as follows:

Act means *Environmental Planning and Assessment Act, 1979* (as amended)

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

Council means Shoalhaven Council

CPI means Consumer Price Index

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

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

Environmental Assessment means the Environmental Assessment prepared by Planscapes Town Planning Consultancy and dated March 2007.

Minister means the Minister for Planning **and Environment, or delegate**

MP No. 06_0276 means the Major Project described in the Proponent's Environmental Assessment

OEH means Office of the Environment and Heritage, or its successor

PCA means Principle Certifying Authority and has the same meaning as Part 4A of the Act

Proponent means Hazcorp Pty Ltd or any party acting on this approval.

Regulation means the Environmental Planning and Assessment Regulation, 2000 (as amended).

Secretary means the Planning Secretary of the Department of Planning and Environment, or nominee/delegate

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

- (c) Schedule 2, Part A – Administrative Conditions, Condition A1 is amended by the insertion of the **bold and underlined** words and the deletion of the ~~**bold struck out**~~ words as follows:

A1 Development Description

Development approval is granted for a ~~466~~ **172** lot staged residential subdivision comprised of the following stages:

Stage 1

- Lots 101 -132 inclusive;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 1;
- Under scrubbing associated with stage 1;
- Provision of services/infrastructure to subject lots;
- Part extension of Gemini Way;
- Part extension of access road off Leo Drive and construction of its intersection with the extension of Gemini Way;
- Augmentation of drainage system to the east as necessary;
- Construction of a roundabout at the intersection of Gemini Way and Seawind Parade;
- Preparation of a water quality monitoring program, and commencement of the program;
- Weed management program to commence in accordance with Weed Management plan, Part of Lot DP 771597 & Portion 4 off Leo Drive, Narrawallee, prepared by Conacher Travers dated May 2005 (Red: 5134).

Stage 2

- Lots 201-217 inclusive;
- Provision of services/infrastructure to subject lots;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 2;
- Construction of half of southern loop road and further extension of access road off Leo Drive;
- On going weed management;
- Under scrubbing associated with stage 2;
- ~~Embellishment (including provision of child play area) and landscaping of the southern open space reserve to be dedicated to Council;~~
- Construction of eastern half of the southern vegetated reserve; and
- Construction of Local Area Traffic Management measures in Leo Drive.

Stage 3

- Lots 301-319 inclusive;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 3;
- On going weed management;
- Provision of services/infrastructure to subject lots;
- Further extension of Gemini Way and construction of southern portion of northern loop road;
- Under scrubbing associated with stage 3.

Stage 4

- Lots 401-421 inclusive;
- Provision of services/infrastructure to subject lots;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 4;
- On going weed management;

- Finish extension of Gemini Way, construct northern portion of northern loop road and northern portion of perimeter road;
- Construction of eastern half of the northern vegetated reserve;
- ~~Construction of sewer pumping station;~~
- Construction of bio retention swales to constructed portion of perimeter road; and
- Construction of the pedestrian/cycle path along the northern section of the perimeter road and through the adjoining northern reserve to Leo Drive;
- Under scrubbing associated with stage 4.

Stage 5

- Lots 501-528 inclusive;
- Provision of services/infrastructure to subject lots;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 5;
- On going weed management;
- Construction of northern portion of western perimeter road and completion of access road off Leo Drive;
- Construction of bio retention swales to constructed portion of perimeter road; and
- Extension of the pedestrian/cycle path along the northern section of the western perimeter road;
- Under scrubbing associated with stage 5.

Stage 6

- Lots 601 – 624 inclusive;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 6;
- Provision of services/infrastructure to subject lots;
- On going weed management;
- Completion of the northern vegetated reserve and dedicate to Council;
- Finish northern loop road;
- Under scrubbing associated with stage 6.

Stage 7

- Lots 701 – 727 inclusive;
- Removal of vegetation in road reserves and Asset Protection Zones associated with stage 6;
- Provision of services/infrastructure to subject lots;
- Finish western perimeter road;
- Finish pedestrian/cycle path along perimeter road;
- Construction of bio retention swales to constructed portion of perimeter road;
- Construction of cul-de-sac at the southern end of the western perimeter road allowing providing an appropriate design for connection with a future road connection to Seaspray Street;
- Completion of southern vegetated reserve and dedicate to Council;
- Construction of a fire trail through the super lot (incorporating lots 712, 714 and 715) connecting the western perimeter road to the western road adjacent to the southern vegetated reserve;
- On going weed management
- Under scrubbing associated with stage 7.

Stage 8

- Lots 801 – 806 inclusive,
- provision of services/infrastructure and APZs to subject lots,
- pedestrian/cycle pathway from Proposed Road 16 to existing public reserve adjacent to the southern boundary of the site,
- installation of 1.8m high fence along the southern boundary of lots 801-806, and along the eastern boundary of Lot 804 and the western boundary of Lot 803

- **construction of children's play facilities and landscape works within the open space reserve adjacent to the southern boundary of the site, or an alternate location agreed with Council.**

(d) Schedule 2, Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold underlined** words and the deletion of the **~~bold struck out~~** words as follows:

Environmental Assessment entitled Proposed Residential Subdivision, Lot 1 DP 1087105 and Lot 4 DP 1087106 Off Leo Drive Narrawallee for Hazcorp Pty Ltd prepared by Planscapes Town Planning Consultancy dated March 2007 and all included Annexures, plans and reports, and the Preferred Project Report			
Subdivision Drawings prepared by Rygate & West (Ulladulla) as per the Preferred Project Report and Annexure 10 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
U11550E DA DWG	B	Plan of Proposed Subdivision of Lot 1 DP	15 February 2008
U11550E ST.DWG	A	1087105 and Lot 4 DP 1087106	11 October 20016
Road Detail Plans prepared by Rygate & West (Ulladulla) at Annexure 9 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
11550E SHT2.DWG	A	Showing Road Detail	December 2006
U11550E ROAD 1.DWG	-	Longitudinal Section and Typical Cross Section of Proposed Road No. 1	12/05/05
U11550E ROAD 2	-	Longitudinal Section & Typical Cross Section of Proposed Road No. 2	December 2006
U11550E ROAD 3.DWG	-	Longitudinal Section & Typical Cross of Proposed road No. 3	December 2006
U11550E ROAD 4. DWG	-	Longitudinal Section & Typical Cross Section of Proposed Road No. 4	December 2006
U11550E ROAD 5. DWG	-	Longitudinal Section & Typical Cross Section of Proposed Road No. 5	December 2006
U11550E ROAD 6. DWG	-	Longitudinal Section & Typical Cross Section of Proposed Road No. 6	December 2006
U11550E ROAD 7. DWG	-	Longitudinal Section & Typical Cross Section of Proposed Road No. 7	December 2006
Stormwater Management prepared by J. Wyndham Prince Pty Ltd at Annexure 11 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
7109/P2	C	Stormwater Management Strategy	13.11.06
Cycle/Pedestrian Paths prepared by Rygate & West (Ulladulla) at Annexure 7 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
U11550PATH.DWG	A	Pathway Linkage Concept Plans	December 2006
Landscape Drawings prepared by Lindy Lean for HLS Pty Ltd at Annexures 4 & 6 of the Environmental Assessment			

Drawing No.	Revision	Name of Plan	Date
-	-	Landscape Concept Plan Narrawallee Park	20.5.05
-	-	Landscape Street Tree Plan Narrawallee	10.11.06
Environmental Assessment entitled - Request to Modify a Development Approval under Section 75W of the EP&A Act – Major Project Application MP06 0276 Narrawallee – Off Leo Drive Narrawallee prepared by Rygate & West and dated 17 August 2017, as amended by the Request to Modify a Development Approval under Section 75W of the EP&A Act – Major Project Application MP06 0276 Narrawallee – Off Leo Drive Narrawallee – Response to Submissions prepared by Rygate and West and dated 13 April 2018			
Drawing No.	Revisions	Name of Plan	Date
<u>UII550E DA(D).DWG</u>	<u>E</u>	<u>Plan of Proposed Subdivision of Lot 4 DP1087106 & Lot 1 DP1087105</u>	<u>13 April 2018</u>

- (e) Schedule 2, Part A – Administrative Conditions, Condition A3 is amended by the insertion of the **bold underlined words** and the deletion of the **~~bold struck-out~~** words as follows:

A3 Development in Accordance with Documents

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

- 1) Environmental Assessment Report prepared by Planscapes Town Planning Consultancy on behalf of Hazcorp Pty Ltd dated March 2007;
- 2) Proposed Residential Development Lot 41 DP 1056665 and Lot 4 DP771597 Narrawallee: Phase 1 Preliminary Contamination Assessment, prepared by Network Geotechnics Pty Ltd dated 16 May 2005 (see Annexure 3 of the Environmental Assessment);
- 3) Weed Management Plan, Part of Lot DP 771597 & Portion 4 off Leo Drive, Narrawallee, prepared by Conacher Travers dated May 2005 (Ref:5134) (see Annexure 5 of the Environmental Assessment);
- 4) Supplementary Traffic Report for Proposed Residential Subdivision, Narrawallee prepared by Colston Budd Hunt & Kafes Pty Ltd dated May 2005 and letter reviewing the modified scheme dated 27 November 2006 (see Annexure 8 of the Environmental Assessment);
- 5) Stormwater Management Strategy, Subdivision of Lot 1 DP 1087105 & Lot 4 DP 1087106 Leo Drive, Narrawallee prepared by J. Wyndham Prince Pty Ltd dated 20 November 2006 (see Annexure 11 of the Environmental Assessment);
- 6) Operation and Maintenance Manual for the Enviropods, Basins and Bio Retention Swales at Part Lot 4 DP 771597 & Portion 4 off Leo Drive, Narrawallee by Bio Engineered Solutions dated 20 November 2006 (see Annexure 12 of the Environmental Assessment);
- 7) Water Quality Monitoring Strategy – Subdivision Part Lot 4 DP771597 & Portion 4, off Leo Drive, Narrawallee, Ref:D301-1, prepared by Australian Wetlands dated April 2005 (see Annexure13 of the Environmental Assessment);
- 8) Bushfire Protection Assessment, The Proposed Subdivision and Residential Development of Lot 1 (DP 1087105) & Lot 4 (DP 1087106) Leo Drive, Narrawallee, Ref:7060, prepared by Conacher Travers dated March 2006 (see Annexure14 of the Environmental Assessment);
- 9) Vegetation Management Plan & Supplementary Bushfire Report required by the Department of Planning Major Project 06_0276 prepared by Planscapes Town Planning Consultancy dated 2007 (see Annexure15 of the Environmental Assessment);

- 10) Flora and Fauna Assessment of Part of Lot 4 DP 771597 & Portion 4 off Leo Drive, Narrawallee prepared by Conacher Travers dated December 2006 (see Annexure 18 of the Environmental Assessment);
- 11) Proposed Subdivision Lots 1 and 4 Narrawallee NSW, Archaeological Survey for Aboriginal Sites dated December 2002, and Archaeological Subsurface Testing Program dated August 2004 prepared by Navin Officer heritage consultants Pty Ltd, (see Annexure 20 & 20A of the Environmental Assessment); and
- 12) Shoalhaven Water Development Application Notice (A Division of Shoalhaven City Council) dated 14 July 2005 (see Annexure 17 of the Environment Assessment); and
- 13) Bushfire Protection Assessment (Ref: A18050) prepared by Travers Bushfire & Ecology dated May 2018.**

- (f) Schedule 2, Part B – Prior to Issue of Construction Certificate, Condition B2 is amended by the insertion of the **bold and underlined** words and the deletion of the **~~bold struck out~~** words as follows:

B2 *Creation of Super lot and fire trail*

- 1) a) Lots 712, 714 and 715 shall be combined to create one super lot.
- b) Any further subdivision of the super lot is subject to a separate application to be made to Council. The super lot cannot be further subdivided until Seaspray Street is connected to the western perimeter road.
- 2) a) If the extension of Seaspray Street to the western perimeter road on the subject site is not constructed prior to the issue of a Construction Certificate for Stage 7 engineering works, then a fire trail is to be constructed through the super lot, prior to the release of the Subdivision Certificate for Stage 7
- b) The fire trail shall be constructed through the super lot **(lots 712, 714 and 715) to** connecting the western perimeter road; to the **Road reserve** adjacent to the southern open space reserve, and the southern vegetated reserve,
- c) The fire trail shall be constructed and maintained in accordance with Planning for Bushfire Protection 2006, or the most current issue at the time of construction.
- d) The fire trail shall not be removed until the western perimeter road is connected to Seaspray Street.

Note: **The fire trail is to be provided as a link to either the existing Seaspray Street or the proposed western road extension. Council's current policy provides for a temporary turning area at the end of a road where it is proposed to be extended in another stage. If a temporary turning bay is required, the western perimeter road must be constructed up to the boundary with the southern development (preferably connecting to the existing Seaspray Street end) with provision of a temporary turning area provided within the verge area fronting proposed lot 715. The fire trail could be connected to or form part of the temporary turning area.**

- (g) Schedule 2, Part B – Prior to Issue of Construction Certificate, Condition B8 is amended by the insertion of the **bold and underlined words** and the deletion of the **~~bold struck out~~** words as follows:

B8 Child Play Facilities – Stage 2

Plans detailing upgrades to the children’s play facilities in the open space reserve adjacent to the southern boundary of the site, or in an alternate location as agreed by Council, shall be submitted to Council for approval prior to the issue of a Construction Certificate for works within Stage 8. The Plans must include the following information:

- (a) **the location and technical specifications of all new play equipment;**
- (b) **details demonstrating the upgrades to the children’s play equipment are suitable for use by children with a range of abilities;**
- (c) **the provision of additional seating (a minimum of 4 seats), bin and water bubbler facilities; and**
- (d) **the provision of a new shade structure within or adjacent to the children’s play equipment**
- (e) **details of all landscaping works (number of trees proposed, tree species and location, and details of any trees proposed for removal); and**
- (f) **identification of an accessible path of travel between the local open space reserve and the subject site in accordance with the requirements of AS1428.1.**

~~Plans detailing the provision of child play facilities within the southern open space area (extension of existing park), showing specific equipment, landscape species, number and location, trees to be removed, shade structures, seating, bins and a bubbler are to be submitted to Council for approval prior to the release of a Construction Certificate for Stage 2 engineering works. The plans are to be generally consistent with the Drawing unnumbered, dated 20.5.05, prepared by Lindy Lean, but are to incorporate the following changes:~~

- ~~1) the portion of the child play area to be grassed is to have a slope of no greater than 1:4;~~
 - ~~2) opportunities for consolidation of some of the four separate soft fall sites (ie. Swings, spider, orbiter and slide) are to be explored to minimise maintenance issues;~~
 - ~~3) an accessible path of travel is to be provided to the western portion of the park from either the proposed road or Seaspray Street in accordance with the provisions of AS1428.1;~~
 - ~~4) the western portion of the park is to be designed such that some of the play equipment is suitable for use by children with a range of disabilities;~~
 - ~~5) the seating location (minimum 4 seats) and landscape/fencing provision is to be designed to ensure ease of surveillance of children by parents/carers and to limit opportunities for direct access to the proposed road for safety.~~
- (h) Schedule 2, Part B – Prior to Issue of Construction Certificate, Condition B10 is amended by the deletion of the **~~bold struck out words~~** as follows:

B10 LATM and Traffic Calming Devices

- 1) The design of the following road works or other equivalent devices are to be submitted to Council for approval prior to the release of a Construction Certificate for engineering works for the Stage specified in the following list. The road works are to be carried out by the proponent to the satisfaction of Council prior to the release of the Subdivision Certificate for the stage specified in the following list.
 - Roundabout at intersection of Gemini Way & Seawind Parade Stage 1

- Roundabout at intersection of elongation of Gemini Way and access street off Leo Drive
Stage 1
 - **A second speed hump on Leo Drive in the location identified in drawing U11550 RT.dwg Issue A, prepared by Rygate & West and dated 21 May 2018**
 - ~~Two Speed humps on Leo Drive between Sagittarius Way & Aries Pl Stage 2~~
- 2) The design of the traffic calming devices within the subject site is to be in accordance with *Austroads Guide to Traffic Engineering Practice – Part 10, Local Area Traffic Management*. The design plans are to be approved by Council prior to issue of a Construction Certificate for each Stage engineering works. All traffic calming devices in each stage are to be constructed and certified to be in accordance with the above document prior to the release of the Subdivision Certificate for that stage.
- (i) Schedule 2, Part B – Prior to Issue of Construction Certificate, after Condition B15, insert the following new condition:

B15A Stormwater Infrastructure

Prior to the issue of the Construction Certificate for Stage 8, the Proponent shall provide a statement from a suitably qualified expert to verify:

- (a) the existing stormwater infrastructure in the locality has capacity to accommodate lots 801 to 806; and
- (b) the creation of lots 801 to 806 will not generate any additional flooding impacts within or downstream of the development.

If the capacity of the system is determined to be incapable of supporting the six lots within Stage 8, augmentation works will be required.

All augmentation works must be submitted to Council for approval prior to the release of the Construction Certificate for works within Stage 8. All augmentation works will be undertaken at the Proponent's expense and to the satisfaction of Council prior to the issue of any Subdivision Certificate for Stage 8. Works as executed plans for the drainage infrastructure are to be lodged with Council prior to the release of the Subdivision Certificate for Stage 8.

- (j) Schedule 2, Part B – Prior to Issue of Construction Certificate, insert the following new condition after Condition B21:

B21A - Bushfire Protection within Stage 8

- (1) Perimeter roads and APZs must be provided for Stage 8 in accordance with the requirements of *Planning for Bushfire Protection 2006*. All APZs within Stage 8 must provide for future dwellings to achieve a maximum BAL of 29. All lots that are required to be wholly or partly managed as an APZ must be registered on title via a Section 88B Instrument under the *Conveyancing Act 1919*.
- (2) Where a performance-based solution is required for future dwellings within lots to achieve the BAL 29 construction requirements under AS3959-2009, a restriction as to user must be registered on the title of each affected lot via a Section 88B Instrument under the *Conveyancing Act 1919*.

The restriction as to user must specify:

- (a) any future development application for a habitable structure must be supported by a bushfire report prepared by a suitably qualified bushfire consultant using a method 2 assessment under AS3959-2009; and
- (b) the report must demonstrate the structures comply with a bushfire attack level (BAL) no greater than 29.

- (3) A Vegetation Management Plan (VMP) must be provided for all public open space and drainage reserves identified as an APZ and submitted to the certifying authority for approval prior to the issue of any Subdivision Certificate within Stage 8. The VMP must identify the on-going management measures required to ensure the land will comply with the requirements of an inner protection area (IPA), as specified in the RFS document titled *Standards for Asset Protection Zones (2005)* and in Appendix 5 of *Planning for Bushfire Protection 2006*. The approved VMP must be implemented for the life of the development.
- (k) Schedule 2, Part B – Prior to Issue of Construction Certificate, Condition B23 is amended by the deletion of the **bold struck out words** as follows:

~~B23 Sewerage Pumping Station – Stage 4~~

- ~~1) A sewerage pumping station, capable of catering for the loads generated by Stages 4-7 of the project is to be constructed to the satisfaction of Shoalhaven Water prior to the completion of Stage 4.~~
 - ~~2) The location of the proposed pumping station, is to be determined to the satisfaction of Shoalhaven Water, and is to be identified prior to the release of a Construction Certificate for engineering works associated with Stage 4.~~
 - ~~3) The pumping station is to be provided on a separate parcel of land, which is to be dedicated to Shoalhaven Water and easements as necessary for access are to be created upon registration of Stage 4.~~
- (l) Schedule 2, Part B – Prior to Issue of Construction Certificate, Condition B25 is amended by the deletion of the **bold struck out words** as follows:

B25 Accessibility

The footpaths and child play areas, western section of the child play park (including some of the child play equipment) and paths are all to be designed to be appropriately accessible in accordance with the standards of AS1428, where topography allows. Details and an accessibility report are to be provided to Council, prior to the release of a Construction Certificate for engineering works for each applicable Stage of the subdivision.

- (m) Schedule 2, Part D – During Construction, Condition D6 is amended by the deletion of the **bold struck out words** as follows:

D6 Protection of Trees – Public Reserves

All trees which are to be retained in the two vegetated public reserves **and in the open space reserve** shall be protected at all times during any site works. Any under scrubbing necessary is to be undertaken by handwork only within the critical root zone area and/or drip line zone which ever is greater. Where possible, barriers or other measures are to be provided to protect root system, trunk and branches during construction.

- (n) Schedule 2 Part D – During Construction, Condition D15 is amended by the insertion of the **bold and underlined words** and the deletion of the **bold struck out** words as follows:

D15 Aboriginal Archaeology

This consent does **to not** provide approval to disturb any human skeletal remains that occur below the existing ground surface.

If during construction works human remains are uncovered, all works in the area are to

cease and the proponent should notify both the NSW Police and the DECC. Arrangements for handling human remains are, in part, governed by legal provisions as laid down in the Coroner's Act, by Police regulations and policies and in *the National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

- (o) Schedule 2, Part D – During Construction, Condition D21 is amended by the deletion of **bold struck out** words as follows:

D21 Asset Protection Zone

1. At the commencement of work for each stage, the property around each relevant stage of the subdivision shall be managed in accordance with the requirements of *Planning for Bush Fire Protection 2006* and the Service's document 'Standards for Asset Protection Zones', as follows:

- a) West through north-west to north of the proposed subdivision for a distance of 26m as an inner protection area and 10m as an outer protection area;
- b) Surrounding the proposed 1.58ha public reserve for a distance of 22m as an inner protection area;
- c) ~~The proposed southern 4,051m² public reserve adjoining the southern property boundary as an inner protection area;~~ and
- d) Surrounding the proposed northern 7,745m² public reserve for a distance of 18m as an inner protection area.

- (p) Schedule 2, Part E – Prior to Release of Subdivision Certificate, Condition E12 is amended by the deletion of the **bold struck out words** as follows:

~~**E12 Child Play Area**~~

~~Prior to the release of the Subdivision Certificate for Stage 2, Council is to inspect and confirm that the works within the child play area within the southern park are suitable for dedication. Council is to be provided with certification that all works are in accordance with Condition B8, the approved plans and any relevant Australian Standards.~~

- (q) Schedule 2, Part E – Prior to Release of Subdivision Certificate, insert the following new condition after Condition E15:

E15A Quarry Rehabilitation Plan

Prior to the dedication of the central bushland reserve to Council, the Proponent is required to:

- 1) Submit a Quarry Rehabilitation Plan to Council for approval identifying the works required to fill the existing quarry void and make the central bushland reserve safe for public access
- 2) Complete the works identified in the Quarry Rehabilitation Plan to Council's satisfaction prior to dedication of the central bushland reserve.

- (r) Schedule 2, Part E – Prior to Release of Subdivision Certificate, Condition E17 is amended by the deletion of the bold struck out words as follows:

E17 Accessibility

Prior to the release of a Subdivision Certificate for each stage, certification is to be provided that the works associated with the construction of the footpaths, ~~western section of the child play park (including some of the child play equipment)~~ and paths have been constructed in accordance with the standards of AS1428.

- (s) Schedule 2, Part E – Prior to Release of Subdivision Certificate, Condition E21 is amended by the deletion of the following condition:

~~**E21 Sewerage Pumping Station**~~

~~The sewerage pumping station is to be constructed to the satisfaction of Shoalhaven Water prior to the release of the Subdivision Certificate for Stage 4.~~

- (t) Schedule 2, Part E – Prior to Release of Subdivision Certificate, Condition E27 is amended by the insertion of the **bold and underlined** words and numbers and the deletion of the **bold struck out** words and numbers as follows:

E27 Monetary Contributions

- a) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions:

(1) Amount of Contribution

Contribution Category	Rate per lot (stages 1-6)	Stage 1 32 lots	Stage 2 17 lots	Stage 3 19 lots	Stage 4 21 lots	Stage 5 28 lots	Stage 6 24 lots	Rate per lot (stages 7-8)	Stage 7 25 Lots	Stage 8 6 Lots	Total 166 lots 172 lots
Tennis, Football, Cricket & Netball (Area 5) 05AREC0001	1,598.21	51,142.72	27,169.57	30,365.99	33,562.41	44,749.88	38,357.04	<u>2,097.93</u>	39,955.25 <u>52,448.25</u>	<u>12,587.58</u>	225,347.64 <u>290,423.44</u>
Leisure Centre Heated Indoor Swimming Pool 05AREC0002	183.4	5,868.80	3,117.80	3,484.60	3,851.40	5,135.20	4,401.60	<u>240.76</u>	4,585.00 <u>6,019.00</u>	<u>1,444.56</u>	30,444.40 <u>33,322.96</u>
Southern Shoalhaven Branch Library 05CFAC0010	236.93	7,581.76	4,027.81	4,501.67	4,975.53	6,634.04	5,686.32	<u>311.02</u>	5,923.25 <u>7,775.50</u>	<u>1,866.12</u>	39,330.38 <u>43,048.75</u>
Hockey Facilities CWAREC0003	255.82	8,186.24	4,348.94	4,860.58	5,372.22	7,162.96	6,139.68	<u>335.80</u>	6,395.50 <u>8,395.00</u>	<u>2014.80</u>	42,466.42 <u>46,480.42</u>
Stage 1 Shoalhaven City Library Extensions CWCF A0001	264.43	8,461.76	4,495.31	5,024.17	5,553.03	7,404.04	6,346.32	<u>347.10</u>	6,640.75 <u>8,677.50</u>	<u>2,082.60</u>	43,895.38 <u>48,044.73</u>
Stage 2 Shoalhaven City Arts Centre CWCF A0001	23.92	765.44	406.64	454.48	502.32	669.76	574.08	<u>31.40</u>	598 <u>785.00</u>	<u>188.40</u>	3,970.72 <u>4,346.12</u>
Stage 3 Shoalhaven Mobile Childrens' Service CWCF A0001	7.84	250.88	133.28	148.96	164.64	219.53	188.16	<u>10.29</u>	196.00 <u>257.25</u>	<u>61.74</u>	1,301.45 <u>1,424.43</u>
Shoalhaven Multi Purpose Cultural & Convention Centre CWCFAC0002	236.41	7,565.12	4,018.97	4,491.79	4,964.61	6,619.48	5,673.84	<u>310.32</u>	5940.25 <u>7,758.00</u>	<u>1,861.92</u>	39,244.06 <u>42,953.73</u>
Stage 4 Shoalhaven Multimedia & Music Centre CWCFAC0001	9.17	293.44	155.89	174.23	192.57	256.76	220.08	<u>12.05</u>	229.25 <u>301.25</u>	<u>72.30</u>	1,522.22 <u>1,666.52</u>
Embellishment of Icon and District Parks and Walking Tracks CWCF A0001	153.32	4,906.24	2,606.44	2,913.08	3,219.72	4,292.96	3,679.68	<u>201.26</u>	3,833.00 <u>5,031.50</u>	<u>1,207.56</u>	25,451.12 <u>27,857.18</u>

S94 Administration CWMGT2001	398.1	12,739.20	6,767.70	7,563.90	8,360.10	11,146.80	9554.4	<u>522.57</u>	<u>9,952.50</u> <u>13,064.25</u>	<u>3,135.42</u>	<u>66,084.60</u> <u>72,331.77</u>
Citywide Fire & Emergency Services CWFIRE0001	146.53	4,688.96	2,491.01	2,784.07	3,077.13	4,102.84	3,516.72	<u>192.35</u>	<u>3,663.25</u> <u>4,808.75</u>	<u>1,154.10</u>	<u>24,323.98</u> <u>26,623.58</u>
Shoalhaven Fire Control Centre CWFIRE0002	191.84	6138.88	3261.28	3644.96	4028.64	5371.52	4604.16	<u>251.83</u>	<u>4,796.00</u> <u>6,295.75</u>	<u>1,510.98</u>	<u>31,845.44</u> <u>34,856.17</u>
Bishop Drive (Northern Link Road) 05ROAD2001	4,080.56	130,577.92	69,369.52	77,530.64	85,691.76	114,255.68	97,933.44	<u>5,356.42</u>	<u>402,014.00</u> <u>133,910.50</u>	<u>32,138.52</u>	<u>677,372.96</u> <u>741,407.98</u>
Southern Link Road 05ROAD2011	388.37	12,427.84	6,602.29	7,379.03	8,155.77	10,874.36	9,320.88	<u>509.81</u>	<u>9,709.25</u> <u>12,745.25</u>	<u>3,058.86</u>	<u>64,469.42</u> <u>70,564.28</u>
Matron Porter Drive 05ROAD2061	1,144.16	36,613.12	19,450.72	21,739.04	24,027.36	32,036.48	27,459.84	<u>1,501.91</u>	<u>28,604.00</u> <u>37,547.75</u>	<u>9,011.46</u>	<u>189,930.56</u> <u>207,885.77</u>
TOTAL	9,319.01	298,208.32	158,423.17	177,061.19	195,699.21	260,932.29	223,656.24	<u>12,262.82</u>	<u>493020</u> <u>305,820.50</u>	<u>75,760.92</u>	<u>1,507,000.42</u> <u>1,695,561.80</u>

NOTE: Council has no specific contribution for open space for this site. Further the dedication of **three two** reserves on the subject site Council, is considered a satisfactory contribution.

2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage.

3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

4) Works-in-Kind

In accordance with Division 6 of Part 4 of the Act, the Proponent shall undertake the following works in kind:

- a) **Upgrades to the children's play area in the open space reserve adjacent to the southern boundary of the site, or an alternate location as agreed by Council, as per the requirements of Condition B8 of this approval**
~~Provision of child play park within southern reserve in accordance with Conditions B8, prior to the release of the Subdivision Certificate for Stage 2;~~
- b) Provision of the northern vegetated reserve in accordance with Conditions E14, prior to the release of the Subdivision Certificate for Stage 6; and
- c) Provision of the southern vegetated reserve in accordance with Conditions E15, prior to the release of the Subdivision Certificate for Stage 7.

- b) As per the Statement of Commitments (dated 7 April 2008), the developer has agreed to pay \$15 000 to Council towards the construction of a roundabout at the intersection of Tallwood Avenue and Bannister Head Road, Mollymook.

5) Works on Bishop Drive (Northern Link Road)

Subject to the satisfaction of Council, the Proponent is not required to pay any monetary contributions under Condition E27(a)(1) in relation to:

- (a) Bishop Drive (Northern Link Road) – 05ROAD2001
- (b) Southern Link Road – 05ROAD2011
- (c) Matron Porter Drive – 05Road2061

provided that:

- (1) The Proponent has entered into a Voluntary Planning Agreement with Council to carry out road works to Bishop Drive in accordance with that agreement; and
 - (2) The Council has provided written certification to the Proponent that road works to construct Bishop Drive south of the intersection with Matron Porter Drive/Garside Drive have been certified as satisfactory and completed in accordance with the plans of Simon Punnett and Associated Pty Limited job no. 480 sheets 1 – 25(as amended from time to time).
- (u) Schedule 2, Part E – Prior to Release of Subdivision Certificate, Condition E30 is amended by the insertion of the bold and underlined words and the deletion of the ~~bold struck-out~~ words as follows:

E30 *Maintenance of Reserves*

The landscaping/vegetation, street trees and equipment/infrastructure within the ~~three~~ **two** reserves and all streets to be dedicated to Council are to be maintained, including but not limited to weeding, replacement of planting as necessary and repair/replacement of equipment/infrastructure by the proponent for a minimum period of one year after dedication.

A deed of agreement must be prepared with Council prior to the issue of the Subdivision Certificate for each relevant stage, to allow the proponent to carry out management and maintenance works on this land during the maintenance period.

End of Modification