

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

ADOPTION OF MASTER PLAN NO. 20-4-2005

(FILE NO. 9038614)

**SEPP 71 MASTER PLAN FOR THE FERN BAY ESTATE COMPRISING 947
RESIDENTIAL LOTS, OPEN SPACE, CONSERVATION AREAS, NEW PUBLIC
ROADS AND COMMUNITY, RECREATIONAL AND COMMERCIAL FACILITIES**

I, Frank Sartor, the Minister for Planning, pursuant to clause 22(2)(b) of *State Environmental Planning Policy No. 71—Coastal Protection*, determine the draft Master Plan referred to in the attached Schedule 1, by adopting the Master Plan outlined in the attached Schedule 2, subject to the Variations in the attached Schedule 3.

Frank Sartor
Minister for Planning.

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application for a draft master plan made by:	Bill Sarkis, on behalf of Fern Bay Joint Venture Winten (No 20) Pty Ltd
Application made to:	Minister for Planning
Draft Master Plan:	MP 20-4-2005
On land comprising:	Lot 16 DP 258848, (No 85) Nelson Bay Road, Fern Bay
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Subject to	Variations outlined in Schedule 3
To be addressed in future application	Matters required by the relevant consent authority and the variations outlined in Schedule 3
S.119 Public inquiry held:	No
Application made on:	26 April 2005

PART B—NOTES RELATING TO THE ADOPTION OF MP NO. 20-4-2005

Responsibility for other approvals / agreements

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

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

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

Applicant means Fern Bay Joint Venture Winten (No 20) Pty Ltd or any party acting upon this draft masterplan.

Council means Port Stephens Council.

MP No. 20-4-2005 means the Draft Master Plan and supporting documentation submitted by the applicant on 26 April 2005.

Department means the Department of Planning or its successors.

Director means the Director of Urban Assessments (or its successors) within the Department.

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

Minister means the Minister for Planning.

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

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

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

SCHEDULE 2

ADOPTION OF MASTER PLAN DOCUMENTS & GENERAL REQUIREMENTS

MASTER PLAN NO. MP 20-4-2005

PART A – MASTER PLAN DOCUMENTS

A1 Master Plan

The Master Plan is adopted for the purposes of:-

- (a) Residential subdivision – to provide approximately 947 lots within the eastern and western precincts of the site in accordance with the following general allotment arrangement:-
 - Integrated lots (94 lots);
 - Standard villa lots ranging in size from 340m² to 399m² (123 lots);
 - Premium villa lots ranging in size from 400m² to 449m² (120 lots);
 - Courtyard lots ranging in size from 450m² to 589m² (255 lots);
 - Conventional lots 590m² and greater in size (186 lots);
 - Duplex lots 750m² and greater (20 lots); and
 - Standard residential lots that form part of the approved subdivision that consists of an area 550m² and greater (149 lots).
- (b) Commercial – a child care centre, and a convenience store in the south-eastern corner of the site;
- (c) Recreational/open space – various areas of recreational open space, children's playgrounds and new fire and pedestrian trails. Open space lots to include formal parks, an Aboriginal Heritage Reserve and open space to provide opportunities for passive and active recreation, stormwater management, protection of Aboriginal sites and ecological corridors;
- (d) Community – a community centre and a Community nursery for the propagation of plants for use in the landscaped areas of the site;
- (e) Subdivision – Community Title Subdivision;
- (f) Conservation – retention of large areas of natural vegetation and offset measures on adjoining land in accordance with the Master Plan and variations set out in Schedule 3

A2 Master Plan Drawings

The Master Plan adopted shall generally be consistent with the following draft Master Plan drawings:-

- Structure Plan (Figure 19, Page 26 of Master Plan Document);
- Staging Plan (Figure 21, Page 30 of Master Plan Document);
- Road hierarchy (Figure 23, Page 33 of Master Plan Document);
- Streetscape Planting Plan (Figure 24, Page 34 of Master Plan Document);

- Entry Roundabout Plan (Figure 25, Page 35 of Master Plan Document);
- Examples of Street Treatments (Figures 26 & 27, Pages 36 & 37 of Master Plan Document);
- Pedestrian Network (Figure 28, Page 38 of Master Plan Document);
- Allotment Types and Numbers (Figure 29, Page 39 of Master Plan Document);
- Housing Densities (Figures 30 -24, Pages 40-45 of Master Plan Document);
- Housing choices and Diversity (Figure 35, Page 46 of Master Plan Document);
- Detailed Setbacks (Figure 36, Page 47 of Master Plan Document);
- Communities Facilities (Figure 37, Page 50 of Master Plan Document);
- Utilities (Figure 38, Page 50 of Master Plan Document);
- Vegetation Strategy and Open Space Areas Plan (Figure 40, Page 56 of Master Plan Document);
- Cabbage Tree Park (Figure 41, Page 57 of Master Plan Document);
- Landscape Concept Plan (Figure 42, Page 59 of Master Plan Document);
- Bushfire Management Measures (Figure 43, Page 63 of Master Plan Document);
- Concept Plan (Figure 45, Page 66 of Master Plan Document);
- Revised Concept Plan of Proposed Subdivision (Figure 2 of correspondence dated 10 March 2006).

A3 Master Plan Documents

The Master Plan adopted shall be generally consistent with:

- The Master Plan Report entitled ***“Fern Bay Estate Master Plan”*** prepared by Environmental Resources Management Australia Pty Limited for Winten Property Group and CVC Limited, dated April 2005, Reference No 0012720;
- The Landscape Master Plan entitled ***“Fern Bay Landscape Master Plan”***, prepared by Verge Landscape Architects for Winten Property Group and CVC Limited, dated April 2005;
- The ***“Fern Bay Estate Statutory Planning Report”***, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The ***“Fern Bay Estate Species Impact Statement”***, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0017825 Final;
- The ***“Fern Bay Estate Vegetation Management Plan”***, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The ***“Fern Bay Estate Response to the Port Stephens Comprehensive Koala Plan of Management”***, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The ***“Fern Bay Estate Assessment of Matters of National Environmental Significance”***, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;

- The “***Fern Bay Estate Aquatic Assessment Report***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The “***Fern Bay Estate Aboriginal Heritage Assessment***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The “***Fern Bay Estate Bushfire Assessment Report***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The “***Stormwater Management Strategies for the Proposed Urban Development at Fern Bay***”, prepared by Urban Water Cycle Solutions for Winten Property Group & Continental Venture Capital Limited, dated March 2005, Reference Final Report (Version 2);
- The “***Fern Bay Estate Traffic Assessment Report***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The “***Fern Bay Estate Noise Assessment Report***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The “***Fern Bay Estate Unexploded Ordinance Management Plan***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated September 2004, Reference No 0012720 Final;
- The “***Fern Bay Estate Socio-Economic Impact Assessment Report***”, prepared by ERM for Winten Property Group & Continental Venture Capital Limited, dated April 2005, Reference No 0012720 Final;
- The “***Fern Bay: Community Engagement and Building Sustainable Communities***”, prepared by Greening Australia New South Wales for Winten Property Group & Joint Venture partners, undated;
- The “***Mosquito Risk Assessment: Fern Bay Estate, Fern Bay, NSW***”, prepared by Institute of Clinical Pathology and Medical Research, Western Sydney Area Health Service for Environmental Resources Management Australia Pty Ltd, dated September 2004.
- The “***Urban Water Cycles Solution Supplementary Report***” prepared by Urban Water Cycle Solutions dated 27 February 2006.

PART B – GENERAL REQUIREMENTS

B1 Nature of Adoption

This adoption is for a Master Plan only. Future land subdivision, infrastructure provision and residential, commercial, community, conservation and recreational developments are subject to separate development consent/approval under the *Environmental Planning and Assessment Act 1979*.

SCHEDULE 3

VARIATIONS OF ADOPTION

MASTER PLAN NO. MP 20-4-2005

PART A – VARIATIONS TO THE DRAFT MASTER PLAN

A1 Ecological Offset Measures

The following ecological offset measures are required to be carried out on adjoining lands for the proposal:-

1. Rubbish removal (car bodies, asbestos dumps etc) and implementation of a weed control program on the adjoining land to the south of the subject site described as lands held in the name of the Minister for the Environment under Part 11 of the *National Parks and Wildlife Act 1974* ("the Part 11 lands");
2. Rehabilitation of approximately 31.7 hectares of wet heath on the Part 11 lands;
3. Rehabilitation of the numerous tracks on the Part 11 lands in order to better protect current and future hollow bearing trees; and
4. Provision of funding to DEC, to maintain the rehabilitation works for at least 20 years.

In this regard, a Vegetation Management Plan must be provided to the satisfaction of the Department of Environment and Conservation with any future development/project application which incorporates, among other things, weed control, rehabilitation and reporting and monitoring measures for the Wet Heath community including the rehabilitation of the tracks on this adjoining site.

A2 Public Access

The public access to the beach from the subject site must be in accordance with the following requirements and details shall be provided in any development/project application for the proposal:-

1. The fencing of the northern boundary of the Part 11 lands and the construction of a four-wheel drive track adjacent to this boundary, with associated infrastructure (hard stand, car parks, pedestrian pathway, lighting, signage etc) and closure of numerous tracks leading to the adjoining Part 11 lands to the south of the subject site.

A3 Pedestrian/Cyclist Facilities

A shared foot/cycle way shall be provided on Nelson Bay Road from the roundabout at Fullerton Cove Road to the bus shelter at Bayway Village to the south. This requirement must be illustrated in any future development/project application for the proposal.

A4 Owl Roost Tree Buffer

A 100m buffer zone around the Owl roost tree in the north-western portion of the site must be provided. This buffer zone is not to contain walking or cycle tracks or similar recreational infrastructure and must be illustrated in any future development/project application for the proposal.