

DEPARTMENT OF PLANNING

Major Project Assessments

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 76-6-2006) OF DEVELOPMENT CONSENT (DA 243-10-2004)

68 LOT RESIDENTIAL SUBDIVISION

Pursuant to SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(File No. 9043453-1)

I, Chris Wilson, Executive Director, Major Project Assessments as delegate for the Minister for Planning, Pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* **approve** the application to amend the conditions in the manner shown at Tag **A**.

The reason for both the imposition and removal of conditions is:

- (1) To reflect the intended planning outcomes of the original development consent and ensure the satisfactory implementation of the development proposal;
- (2) To ensure development proceeds in accordance with the approved plans;
- (3) To protect the coastal environment of the locality;
- (4) To protect the residential amenity of future occupiers.

Chris Wilson
Executive Director
Major Project Assessments

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 76-6-2006 modifying DA 243-10-2004
Application made by:	Black Rocks Estate Pty Ltd P.O. Box N27 Grosvenor Place, NSW 1220.
On land comprising:	Lot 232 DP 1072665 & Lot 183 DP 1034824, Overall Drive, Pottsville.
Local Government Area	Tweed Shire Council
For the carrying out of:	68 Lot Residential Subdivision
Section 96 (1A) Application	MOD 76-6-2006 to modify DA 243-10-2004 in the following manner: ▪ Delete part (b)(i) of Condition B6 and delete part (g) of Condition B9. Insert condition B6A with regard to the location and specification of the cycleway, boundary treatment and batter. ▪ Delete condition H2. Insert condition H2A to clarify location of APZ. ▪ Delete condition G2 requiring a compliance report.
Development consent granted by:	Delegate of the Minister for Planning
On:	9 th January 2006
Type of development:	State Significant Development
S.119 public inquiry held:	No
As modified:	Consent not previously modified

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT MOD 76-6-2006 MODIFYING DA 243-10-2004

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.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the Environmental Planning and Assessment Act, 1979. The right to appeal is available within the time limit specified which is 12 months after the date on which the applicant received this notice, or as otherwise specified under an Act or statutory instrument.

Legal notices

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

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 243-10-2004.

SCHEDULE 2

MODIFICATION (MOD 76-6-2006) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO 243-10-2004

The development consent is modified as follows:

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Omit part **(b)(i)** of Condition **B6** and omit part **(g)** of Condition **B9**.

Insert Condition **B6A** as follows:

B6A Location and Specification of Cycleway, Boundary Treatment and Batter

(a) The applicant is to implement the following design standard for the cycleway for those allotments adjoining the Mooball Creek Riparian Buffer prior to the issue of a Construction Certificate:

A 1.2m high retaining wall is to be constructed on the lot boundary with the structure being contained on private land. From the base of the retaining wall the fill batter is to slope down at a constant grade of 1:4 for a horizontal distance of 4.0 metres. At this point the fill embankment is to be reduced to a grade of 1:40 (2.5%) for 4.0 metres on which a 2.5 metre wide concrete cycleway is to be centrally constructed in accordance with Council Standards. From this point, being 8.0 metres from the property boundary, the fill batter is to revert to a grade of 1:4 until the embankment intersects with the natural ground level. This section of the embankment is to be revegetated in accordance with a vegetation management plan to be submitted and approved by Council prior to planting being undertaken.

(b) The applicant is to adopt the following design standard for the cycleway for those allotments adjoining the southern boundary of the subdivision:

A 1.2 metre high retaining wall is to be constructed on the lot boundary with the structure being contained on private land. From the base of the retaining wall the fill batter is to slope down at a constant grade of 1:4 until it is 0.4m higher than at natural ground level. At this point the fill embankment is to be reduced to a grade of 1:40 (2.5%) for 4.0 metres on which a 2.5 metre wide cycleway is to be centrally constructed in accordance with Council Standards. From the southern edge of the 4.0 metre cycleway platform, the embankment is to revert to a grade of 1:4 until the embankment intersects with the natural ground level.

(c) The transition from the standard specified in (a) above to that specified in (b) can commence from the southeast most corner of the proposed allotments but must comply with the design standards specified in Tweed Development Control Plan 16 - Subdivision.

PART G – POST OCCUPATION

Omit Condition **G2**

PART H – GENERAL TERMS

Omit Condition **H2**

Insert Condition **H2A** as follows:

H2A NSW Rural Fire Service

The application of an Asset Protection Zone to a distance of 25 metres, shall be maintained as an 'Inner Protection Area' (IPA) and then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The APZ shall be applied to the full length of the western boundary including that area that is proposed as an Infiltration Basin.

The application of a 20 metre wide Asset Protection Zone as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The APZ shall be applied to the full length of the southern boundary. The 20 metre APZ shall be managed as an Inner Protection Area.