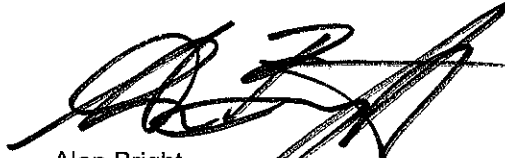


Modification of Minister's Approval

Section 96(1A) of the *Environmental Planning & Assessment Act 1979*

I, the Acting Director, Regional Projects, as delegate of the Minister for Planning under delegation executed on 25 January 2010, approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Alan Bright
Acting Director
Regional Projects

Sydney

20 AUGUST

2010

SCHEDULE 1

Development Approval:

DA 77-3-2002 granted by the Minister for Planning on 17 December 2005

For the following:

Residential subdivision, conservation areas, bushfire protection, open space, areas dedicated for Aboriginal Cultural Significance and associated infrastructure.

Modification:

Boundary adjustment resulting in the creation of 15 new lots, an increase in the depth of lots to accommodate Asset Protection Zones on individual allotments adjacent to the Northern Ecological Conservation Reserve, realignment of John Penn Drive near the corner of Red Hill Parade

SCHEDULE 2

CONDITIONS

Delete Condition A1 in Schedule 2 and Replace with:

A1 – Development description

Development consent is granted only to carrying out the development described in detail below:

- a. Torrens title subdivision comprising 177 residential lots, 2 integrated housing allotments and 1 allotment to accommodate and Aboriginal Cultural and retail facility;
- b. clearing vegetation;
- c. filling and earthworks;
- d. provisions and construction of roads and associated infrastructure, conservation zones and open space; and
- e. construction of a bridge over the on-site creek in order to link George Bass Drive with the proposed development site

Delete Condition A2 in Schedule 2 and replace with:

A2 – Development in accordance with plans

The development shall be generally in accordance with development application 77-03-2002 submitted by the applicant on 22 March 2002, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared by Coomes Consulting Group Pty Ltd			
Drawing Reference No.	Revision	Name of Plan	Date
140374G15	3	Subdivision layout Plan	30 September 2005
150374	4	Preliminary Fill and Drainage Plan	14 October 2005
150374G08	2	Preliminary Fill Depths	14 October 2005
140374G14	1	Barlings Beach Site Cross Sections	9 September 2005
140374G16	1	Dune Lot Views	30 September 2005

and as amended by the following drawings:

Architectural (or Design) Drawings prepared by Coomes Consulting Group Pty Ltd			
Drawing Reference No.	Revision	Name of Plan	Date
01	0	Revised Subdivision	March 2009
03	0	Revised Subdivision	February 2009

and as amended by the following drawings:

Architectural Drawings prepared by George Carone Architect and Services plan prepared by CPG			
Drawing Reference No.	Revision	Name of Plan	Date
MA – 01	E	Revised Subdivision Masterplan - Staging	14 July 2010
OV – 02	C	Revised Subdivision Overlay	14 July 2010
S1A – 11a	0	Revised Subdivision – Stage 1a	24 March 2010
S2 – 12.d	D	Revised Subdivision – Stage 2	18 June 2010
S3 – 13.d	D	Revised Subdivision – Stage 3	18 June 2010
S4 – 14.d	D	Revised Subdivision – Stage 4	24 March 2010

S5 – 15.a	a	Revised Subdivision – Stage 5	2 August 2010
142462G-01 - 03	Rev A	Existing Services Plan John Penn Drive	22 March 2010

Delete Condition E9 in Schedule 2 and replace with

E9 Building Setbacks

The applicant will ensure a Restriction as to user over all allotments is created within the subdivision pursuant to Section 88B of the Conveyancing Act, 1919. The Section 88B instrument shall prohibit construction of any future dwelling or built structure on allotments within the subdivision outside the identified building envelopes on the subdivision layout Plan. The building setbacks indicated on Subdivision Layout Plans and to be applied to the development of lots created within the subdivision are to be measured from the property boundary of each proposed allotment and can be summarised as follows:

Proposed Lot No	Building Setback
1, 2, 3, 4, 5, 6, 7, 8, 9,10,11,12,13,14,15,16,17, 18,19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 44	5.5 metre front setbacks (up to 50% of the front façade of the dwelling- excluding garages or car ports, may be set back 4.5m from the front boundary) 7.5 metre front upper story setbacks 1 metre side setbacks 3 metre to dwelling and 1 metre to ancillary building rear setbacks 2 metre corner side setbacks (Lots 1, 3, 16, 18, 21, 22, 25, 32, 42, only) <i>where the side boundary has frontage to a road. Where the allotment shares a side boundary with another allotment, the minimum setback on that boundary is 1m</i> Foreshore setback N/A Reserve setback N/A
45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 110, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149 150, 151, 152, 153, 154, 155	5.5 metre front setbacks (up to 50% of the front façade of the dwelling- excluding garages or car ports, may be set back 4.5m from the front boundary) 7.5 metre front upper story setbacks 1 metre side setbacks 3 metre to dwelling and 1 metre to ancillary building rear setbacks 2 metre corner side setbacks (lots 142, 146, 60, 64, 78, 120, 155, 115 only) <i>where the side boundary has frontage to a road. Where the allotment shares a side boundary with another allotment, the minimum setback on that boundary is 1m.</i> Foreshore setback N/A Reserve setback N/A

33,34,35, 81,82,83,84,85, 124, 125, 126, 127, 128, 129, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177.	5.5 metre front setbacks: Lots 33, 34, 35, 81-85, 124-129, 156-170. Up to 50% of the front façade of the dwelling, excluding garages or car ports, may be set back 4.5m from the front boundary Front and setbacks as indicated on Subdivision Layout Plan: Lots 171-173 Front and setbacks as indicated on Subdivision Layout Plan: Lots 174-177 7.5 metre front upper story setbacks 1 metre side setbacks 6 or 8 metre rear setbacks: See building envelopes 6 metre rear setbacks: Lots: 33, 81, 82, 85-128, 156, 157, 159, 156-177 8 metre rear setbacks: Lots 34, 35, 83, 84, 128, 129, 158, 160 12 metre rear upper storey setbacks 2 metre corner side setbacks: Lots 85, 124, 161 (from walkway or access road) Foreshore: Direct access to foreshore from lots 33-35, 81-85, 124-129, 156-160 is not permitted Reserve: Direct access to the aboriginal place from lots 160-177 is not permitted
178 and 179	9 metre (minimum) front setbacks to the lots in this precinct (Side Setbacks: Minimum setback of 4.5m from external allotments boundaries of Lots 178 and 179. Other setbacks are to be determined by the relevant consent authority when the applicant is preparing a development application for lodging. Rear setbacks: minimum boundary 4.5m setback applies to the rear boundary of Lots 178, 179 Foreshore setback N/A Reserve setback N/A
180	6 metre front setback 10 metre side setback (from George Bass Drive) 1 metre side setback 6 metre rear setback.

Insert Condition B11a after Condition B11 Clearing of Vegetation

B11a Vegetation Management Plan

Any Vegetation Management Plan (VMP) approved by Council, as required by Condition B11, shall be amended to reflect the changes made to allotments 45 – 55, 86 – 90 and 130 – 135. The amended VMP shall be submitted to, and approved by Council prior to the issue of any Construction Certificate for the creation of those allotments.