

Notice of Modification

Section 75w of the *Environmental Planning and Assessment Act 1979*

As delegate, under delegation executed on 16 February 2015, I approve the section 75W modification of the development consent referred to in Schedule 1, subject to the modified conditions of consent outlined in Schedule 2.



Kate MacDonald
A/Director
Industry Assessments

Sydney

19 October

2015

SCHEDULE 1

Application No.:	DA 77-03-2002
Applicant:	President Property Group
Consent Authority:	Minister for Planning
Land:	Lot 81 in Deposited Plan 1158006, George Bass Drive, Barlings Beach, Tomakin
Development:	201 lot subdivision, including clearing of vegetation, filling, construction of roads and associated infrastructure, conservation zones and open space, and construction of a bridge.
Modification:	MOD 9 –Deletion of Lot 114 and a subsequent increase in the size of lots 106 to 113.

SCHEDULE 2

1. In Schedule 2, delete Condition A1 and replace it with the following:

A1 Development Description

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

- a) Torrens Title subdivision comprising **200** residential lots, and one allotment to accommodate an Aboriginal cultural and retail facility;
- b) clearing vegetation;
- c) filling and earthworks;
- d) provision and construction of roads and associated infrastructure, conservation zones and open space; and
- e) construction of a bridge over the creek in order to link George Bass Drive with the proposed development site.

2. In Schedule 2, delete Condition A2 and replace it with the following:

A2 Development in Accordance with Plans

The Applicant shall carry out the project 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 **and as amended by Modifications 1 to 9**, 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
BB-01	A	Revised Subdivision – Stage 3	14 August 2015
BB-02	A	Revised Subdivision Stage 3	14 August 2015
BB-03	1	Revised Subdivision Masterplan	14 August 2015
BB-106-113	A	Boundary Adjustments Lots 106-113	26 June 2015
OV – 02	C	Revised Subdivision Overlay	14 July 2010
S1A – 11a	0	Revised Subdivision – Stage 1a	24 March 2010
S2 – 12	D	Revised Subdivision – Stage 2	18 June 2010
S4 – 14	D	Revised Subdivision – Stage 4	18 June 2010
S5 – 15a	0	Revised Subdivision – Stage 5	2 August 2010
142462G – 01	A	Existing Services Plan John Penn Drive	22 March 2010
S5-15b	C	Revised Subdivision Stage 5	02 August 2010

142468G01-1	C	Stage 5a Functional Plan – Lot Layout	23 February 2011
142468G1-2	C	Stage 5a Functional Plan – Lot Layout	23 February 2011
142468G1-3	D	Stage 5a Functional Plan – Servicing Plan	23 February 2011
142468G1-4	A	Stage 5a Functional Plan – Servicing Plan	23 February 2011
142468G03-1	D	Stage 5a Functional Plan – Turning Movements	23 February 2011

3. In Schedule 2, delete Condition E9(a) and replace it with the following:

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 the 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 Plan 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

Lot Number	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, and 44.	<ul style="list-style-type: none"> 5.5 metre (m) front setbacks (up to 50% of the front façade of the dwelling, excluding garages or car ports, may be set back 4.5 m from the front boundary); 7.5 m front upper story setbacks; 1 m side setbacks; 3 m to dwelling and 1 m to ancillary building rear setbacks; and 2 m corner side setbacks (Lots 1, 3, 16, 18, 21, 22, 25, 32, 42, only) 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 1 m.
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, 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, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201.	<ul style="list-style-type: none"> 5.5 m front setbacks (up to 50% of the front façade of the dwelling- excluding garages or car ports, may be set back 4.5 m from the front boundary); 7.5 m front upper story setbacks; 1 m side setbacks; 3 m to dwelling and 1 m to ancillary building rear setbacks; and 2 m corner side setbacks (lots 56, 139, 142, 146, (60, 64, 78, 120, 155, 151, 115 only) 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 1 m.
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, and 177.	<ul style="list-style-type: none"> 5.5 m 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 4.5 m from the front boundary; front and setbacks as indicated on Subdivision

	<p>Layout Plan: Lots 171-173;</p> <ul style="list-style-type: none"> • front and setbacks as indicated on Subdivision Layout Plan: Lots 174-177; • 7.5 m front upper story setbacks; • 1 m side setbacks; • 6 or 8 m rear setbacks: See building envelopes. • 6 metre rear setbacks: Lots: 33, 81, 82, 85-128, 156, 157, 159, 156-177; • 8 m rear setbacks: Lots 34, 35, 83, 84, 128, 129, 158, 160; • 12 m rear upper storey setbacks; • 2 m 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; and • reserve: direct access to the Aboriginal place from lots 160-177 is not permitted.
202	<ul style="list-style-type: none"> • 6 m front setback; • 10 m side setback (from George Bass Drive); • 1 m side setback; and • 6 m rear setback.

END OF DA 77-03-2002 MOD 9
