

Telephone Inquiries:
MS A GALE
File No: 25-2009-3-2
Parcel No: 41469
Your Ref: 11/01899

15 February, 2011

Mark Schofield
Team Leader Regional Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir,

Re: **Proposed: Modification Application (MP 06_0250)**
 Property: LOT: 1 DP: 270466, LOT: 4 DP: 270466, LOT: 7 DP: 270466
 Seaside Boulevarde FERN BAY

In response to the Departments request for comment dated the 20 January 2011 in relation to Modification Application 1, Council is now in the position to submit the following comments for your consideration.

Furthermore, Council notes the Department's advice that Modification Application 2 has been withdrawn.

In relation to the 3 conditions proposed to be amended via Modification Application 1, the following comments are provided below.

Condition B1 – no objection to modifying the timing of the basin approval to coincide with the stage that the works are required.

Condition B4 – the lack of physical Road Reserve is acknowledged and therefore the whole of the shared path cycleway cannot be completed until land negotiations are resolved. Council agrees that this condition needs modification. It is suggested that rather than link the timing of construction with stage numbers it is proposed that the condition read that 'construction occurs prior to release of stage 7 or 100 lots (not bulk earthworks/clearing), whichever occurs first.

B14 – proposed changes noted and Council has no major issue with staging proposed, particularly when a detailed Landscape Master Plan has previously been adopted for the entire site. Further, it is suggested that Street trees at each stage is satisfactory.

I hope the above comments are of assistance in the Department's assessment of Modification Application 1. Please do not hesitate to contact Council if you require any further information or assistance.

Yours faithfully

Amanda Gale
DEVELOPMENT CO-ORDINATOR
amanda.gale@portstephens.nsw.gov.au

362.5395/00/05;3
11/130, 11/133, 11/141
MJ



Major Projects Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Attention: Mr Mark Schofield

NELSON BAY ROAD (MR108) – APPLICATION FOR MODIFICATION OF MINISTERS APPROVAL (MP 06-0250) FOR SEASIDE BOULEVARDE, FERN BAY

Dear Mr Schofield

I refer to your letter dated 20 January 2011 (Your reference: 06-0250) regarding the subject application for modification to Ministers approval forwarded to the RTA for consideration

RTA Responsibilities and Obligations

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Nelson Bay Road (MR108) is a classified (State) road and RTA concurrence is required for connections to the road with Council consent, under Section 138 of the Act. Council is the roads authority for this road and all other public roads in the area.

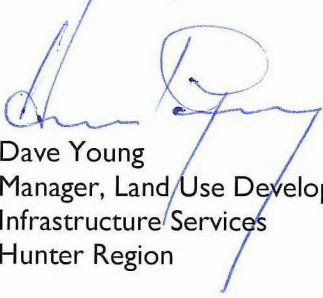
RTA Response and Requirements

The RTA has reviewed the information provided and has no objections to the proposed modifications. It is understood that the proposed modification to *Condition B4* involves deferring the construction of the shared cycleway / footpath from Stage 4 to Stage 7 of the subdivision development. All other requirements for *Condition B4*, as listed in the Ministers approval dated 28 June 2010, shall remain the same except for who would manage the design and construction of the cycleway / footpath. The proposed shared cycleway / footpath this is a Council requirement and responsibility. The condition should read '.....in accordance with the requirements of Council, in consultation with the RTA.'

Council should consult with the RTA where there is a potential interface between the road pavement and the shared cycleway / footpath.

Should you require further advice, please contact me on 4924 0240.

Yours sincerely



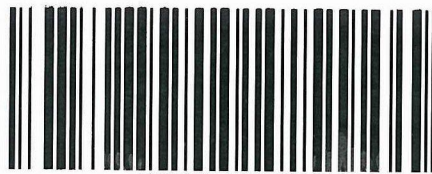
Dave Young
Manager, Land Use Development
Infrastructure Services
Hunter Region

10 February 2011

CC General Manager
 Port Stephens Council



Environment,
Climate Change
& Water



PCU019546

Your reference: 06_0250
Our reference: DOC11/5008; FIL07/19609-02
Contact: Emma Coombs, (02) 4908 6831

Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Jane Flanagan



Dear Ms Flanagan

**EXHIBITION OF MODIFICATION APPLICATIONS FOR SEASIDE BOULEVARD,
FERN BAY (06_0250)**

Reference is made to your letter received on 27 January 2011 and the "Fern Bay Seaside Village Addendum to Section 75W Modification Requests Major Project Approval 06_0250" dated 19 January 2011, providing the Department of Environment, Climate Change and Water (DECCW) an opportunity to comment on the proponents' request to:

1. Amend Department of Planning (DoP) Project Approval Conditions B1, B4 and B14, and
2. Formally withdraw Modification Application 2 lodged December 14, 2010.

DECCW has undertaken a review of the documentation provided and has no objection to the modifications sought by the proponent.

However, DECCW notes that the Proponent has referred to the onsite storage of a substantial volume of fill (90,000m³) and takes this opportunity to remind Aspen Group of its responsibilities under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997*. It is the Proponents responsibility to ascertain whether or not any of the proposed activities (such as bulk earthworks) are deemed a Scheduled Activity under this Act. If any of the activities are deemed scheduled activities, the proponent will require an Environment Protection Licence (EPL) issued by DECCW under the provisions of that Act.

If you wish to discuss this advice further please do not hesitate to contact Emma Coombs on (02) 4908 6831.

Yours sincerely

11-2-11

PETER JAMIESON
Head Regional Operations Unit - Coastal
North East Branch
Environment Protection and Regulation