


Modification of Minister's Approval

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 Project Approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2 and Schedule 3.



Chris Ritchie
Manager
Industry Assessments

Sydney 6 MAY

2015

File No: 15/05634

SCHEDULE 1

Development Consent:

MP 06_0118 granted by the Minister for Planning on 14 December 2008.

For the following:

A proposal for residential subdivision of land into 239 lots, the provision of roads (including the link road), open space, playing fields, allocated land for a childcare centre, a pedestrian/cycleway link, floodway and associated infrastructure, including minor land re-contouring for drainage.

On land comprising:

Lots 1, 2, 3 and 5 DP 10704242 and part Lot 269 DP 755684, Pacific Highway, Ballina.

Modification:

MP 06_0118 MOD 2 to permit:

- a reduction in the number of duplex allotments;
- a reduction in the number of courtyard allotments;
- an increase in the number of traditional allotments; and
- administrative changes to conditions A2, A3, A4, B8, D3 and Statement of Commitment 16.

SCHEDULE 2

1. Delete the definition of Director-General, in Schedule 1, Part C – Definitions and replace it with the following:

Secretary means the Secretary of the Department.

2. Insert the following new definition in Schedule 1, Part C – Definitions in alphabetical order:

Modification 2 means the section 75W modification request lodged by the Proponent on 24 March 2015.

3. Delete all references to 'Director-General' in Schedule 2 and replace them with 'Secretary'.
4. Delete Condition A2 3) and replace with the following:

(3) Stage 3 has an area of 4.67 ha comprising:

- (a) Subdivision of part Lot 1 DP 1074242 into 51 lots consisting of:
 - (i) 6 duplex allotments;
 - (ii) 12 courtyard allotments; and
 - (iii) 33 traditional allotments;
- (b) construction of a 2.25 ha playing field.

5. Delete drawing numbers 6607-LOT DIMS Survey Lot and Boundary Setout Plan dated 19 June 2008, 20997-13-P Proposed Subdivision dated 15 July 2008 and LM070113 – PL100 Revision B Nominal Access, Parking and Garbage Bin Collection Points for Lots 77, 87, 102, 112, 113, 114, 154, 155, 178 and 198 dated 9 July 2008 within the table in Condition A3, and insert the following new table underneath the existing table:

Section 75W Modification No. 2 - Revised Subdivision Drawings prepared by Northern Rivers Surveying Pty Ltd			
Revised Access Way Plan prepared by Northern Rivers Surveying Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
-	A	Plan Showing Nominal Access, Parking and Garbage Bin Collection Point for Lots 71, 74, 81, 110, 111, 112, 154, 154, 178 & 179.	15/04/2015
Revised Subdivision Drawings prepared by Northern Rivers Surveying Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
-	C	Plan Showing Dimensions and Areas as at 24 th March 2015	15/04/2015
-	A	Plan Showing Conditions D3(5) and D3(6)	24/04/2015

6. Insert new Condition A4 3) as follows:

3) Stage 3A Ferngrove Ballina Modification Report, prepared by Northern Rivers Surveying Pty Ltd, dated 19 March 2015.

7. Delete Condition B8 2) Roads and replace with the following:

2) Provision is to be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing lots 74, 81, 110, 111, 112, 154, 155, 178 and 179 in accordance with the plan entitled 'Plan Showing

Nominal Access, Parking and Garbage Bin Collection Point for Lots 71, 74, 81, 110, 111, 112, 154, 154, 178 & 179', Issue A, prepared by Northern Rivers Surveying Pty Ltd, dated 15 April 2015. Details are to be included in the engineering design plans submitted prior to the issue of the Construction Certificate for each stage of the project.

8. Delete Conditions D3 5) and 6) and replace them with the following:

- 5) The lots facing the Pacific Highway/Link Road as identified in '*Plan Showing Conditions D3(5) and D3(6)*', prepared by Northern Rivers Surveying Pty Ltd and dated 24 April 2015, shall have recorded on the Certificate of Title a covenant restriction stating that the building design and construction requirements at the ground and/or upper levels shall be in accordance with the requirements of AS 3671 – 1989 '*Road Traffic noise instruction - Building siting and construction*'.

9. Delete Condition D3 7) in its entirety.

SCHEDULE 3

1. Delete Statement of Commitment 16 in section VII of Schedule 3 and replace it with the following:

VII. Prior to Construction

16. In regards to the road design provision must be made for on-street car parking spaces and a turning bay area within the road reserves of the minor access roads servicing proposed lots 77, 87, 102, 110, 111, 112, 154, 155, 178 and 179. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for that stage

END OF MODIFICATION (MP 06_0118 MOD 2)