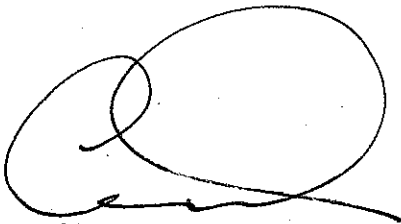


## Modification of Major Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Executive Director, Major DA Assessments as delegate for the Minister for Planning under Instrument of Delegation dated March 2009, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, modify the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson  
**Executive Director**  
**Major DA Assessments**

Dated this 18 day of *January* 2010

MP 06\_06\_0150 MOD 1

## SCHEDULE 1

### PART A—TABLE

Application made by:	Simcorp Developments & Contruction Pty Ltd (the proponent)
Application made to:	Minister for Planning
Major Project Application:	06_0150
On land comprising:	Lot 19 DP 611010 & Lot 1 DP 41616 111 Ocean Parade, Coffs Harbour
Local Government Area	Coffs Harbour
For the carrying out of:	9 storey multi-unit housing development comprising 3 x 1 bedroom dwellings, 16 x 2 bedroom dwellings and 17 x 3 bedroom dwellings, and basement and on ground car parking for 54 cars.
Estimated Cost of Works	Nil
Type of development:	Project Application
Determination made on:	28 February 2007
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act.
Section 75W Application	Modification MOD 1 to modify 06_0150 in the following manner: (a) Insert Condition E16 in relation to bushfire protection.

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06-0150

#### Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

#### Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

#### Legal notices

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

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Council** means Coffs Harbour City Council.

**CPI** means Consumer Price Index.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by Planning Workshop Australia and dated 22 August 2006.

**Minister** means the Minister for Planning.

**MP 06\_0150** means the Major Project described in the proponent's Environmental Assessment.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Proponent** means Simcorp Developments & Construction Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

## **SCHEDULE 2**

The above approval is modified as follows:

(a) Insert Condition E16 as follows:

### ***E16 Bushfire Protection***

Prior to the issue of any Occupation Certificate the following requirements must be met to the satisfaction of the Certifying Authority in consultation with the NSW Rural Fire Service:

- 1) In perpetuity the entire property shall be managed as an Inner Protection Area as outlined within *Planning for Bush Fire Protection 2006* and the Service's document *Standards for asset protection zones*.
- 2) The proposed development shall provide a minimum 6 metre setback from the front eastern boundary.
- 3) Construction shall comply with Australian Standard AS3959-1999 '*Construction of Buildings in bush fire-prone areas*' Level 1.
- 4) Hydrants should be provided in accordance with AS2419.1 and delineated by blue pavement markers offset 200mm from the centre of the road. The direction of offset should indicate on which side of the road the hydrant is located.
- 5) Access is to comply with Section 4.3.2 of *Planning for Bush Fire Protection 2006*.