

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, 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.


Dan Keary
Director
Industry, Key Sites & Social Projects

Sydney 1 APRIL 2014

SCHEDULE 1

Project Approval:	06_0250 granted by the then Deputy Director-General as delegate of the then Minister for Planning on 28 June 2010
Proponent:	Winten Fern Bay No. 2 Pty Ltd
For the following:	Residential Subdivision at Lot 46 DP 28008, and Lots 1, 4, and 7 DP 270466 – Seaside Boulevarde, Fern Bay – Port Stephens local government area.
Modification:	<p>06_0250 MOD 5 involving:</p> <ul style="list-style-type: none">• the division of Stage 8 in two individual stages (Stage 8A & 8B);• amendments to the provision of infrastructure and services to align with the new staging sequence; and• minor amendments to the subdivision and road network layout.

SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

- (a) **Following the definition “Regulation” and before the definition “Subject Site” insert new definition under Part C – Definitions as follows:**

Stages 1 to 3 refers to those stages approved under Part 4 of the *Environmental Planning and Assessment Act 1979* by the NSW Land and Environment Court on 29 September 1997.

- (b) **Delete Condition A2 and replace with new Condition A2 as follows:**

A2 Staging

Stages 1 to 3 are the subject of separate approvals issued by other authorities. The project is to be constructed in 18 stages, generally as follows:

- (1) Stage 4 comprises:

- (c) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (d) 51 lots;
- (e) Construction of sewer pump station P4;
- (f) Construction of a shared footway/cycleway from the bus shelter in front of Bayway Village to the intersection of Seaside Boulevard and Nelson Bay Road;
- (g) Establishment of Aboriginal Heritage Reserve (R3);

- (2) Stage 5 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 51 lots;

- (3) Stage 6 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 37 lots, including 1 commercial lot;
- (c) Construction of a sewer pump station P5;
- (d) Construction of infiltration basin 6;
- (e) Construction of unnamed park (R6), including recreation facilities.

- (4) Stage 7 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 31 lots;

- (5) Stage 8A comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 47 lots;
- (c) Construction of Banksia Park (R4), including recreational facilities.

- (6) Stage 8B comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 17 lots;
- (7) Stage 9 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) Construction of sewer pump station P7;
 - (c) 28 lots;
 - (d) Construction of conveyance swale to infiltration area 5;
- (8) Stage 10 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 1 superlot;
- (9) Stage 11 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 20 lots;
- (10) Stage 12 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 26 lots, including 1 superlot;
- (11) Stage 13 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 12 lots, including 4 superlots;
 - (c) Construction of swale to infiltration area 4;
- (12) Stage 14 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 22 lots, including 2 superlots;
 - (c) Northern extension of Seaside Boulevard, including an intersection with Nelson Bay Road (northern intersection);
 - (d) Construction of Corymbia Park (R5), including recreation facilities;
- (13) Stage 15 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 32 lots, including 1 superlot;
- (14) Stage 16 comprises:
- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 14 lots, including 5 superlots;

(15) Stage 17 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 39 lots;

(16) Stage 18 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 16 lots, including 4 superlots;

(17) Stage 19 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 11 lots, including 5 superlots and 1 commercial lot (lot 383);
- (c) Construction of drainage swale to infiltration area 1;

(18) Stage 20 comprises:

- (a) Clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
- (b) 18 lots, including 6 superlots;
- (c) Construction of unnamed park (R2), including recreation facilities.

The scope and extent of works within each stage of this project as outlined above may be varied due to market conditions and servicing constraints as agreed to by Council.

(c) Delete Condition A3 and replace with new Condition A3 as follows:

A3 Project in Accordance with Plans

The project will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and the following drawings:

Subdivision Drawings prepared by North Point Surveys (NSW) Pty Ltd (formerly Daly Smith Pty Ltd)			
Drawing No.	Revision	Name of Plan	Plot Date
29850F – Sheet 1 of 23	F	Staging & Lot Layout Rev-F	21/01/2014
29850F – Sheet 2 of 23	F	Staging Plan	21/01/2014
29850F – Sheet 3 of 23	F	Stages 4 - 6 Detail Plan Rev-F	21/01/2014
29850F – Sheet 4 of 23	F	Stage 7 Detail Plan Rev-F	21/01/2014
29850F – Sheet 5 of 23	F	Stages 8 - 10 Detail Plan Rev-F	21/01/2014
29850F – Sheet 6 of 23	F	Stages 11 & 12 Detail Plan Rev-F	19/12/2013
29850F – Sheet 7 of 23	F	Stages 13 & 14 Detail Plan Rev-F	21/01/2014
29850F – Sheet 8 of 23	F	Stages 15 & 16 Detail Plan Rev-F	19/12/2013
29850F – Sheet 9 of 23	F	Stage 17 Detail Plan Rev-F	19/12/2013
29850F – Sheet 10 of 23	F	Stages 18 & 19 Detail Plan Rev-F	19/12/2013
29850F – Sheet 11 of 23	F	Stage 20 Detail Plan Rev-F	19/12/2013
29850F – Sheet 12 of 23	F	Indicative Sewer Layout Rev-F	20/12/2013
29850F – Sheet 13 of 23	F	Indicative Watermain Layout Rev-F	20/12/2013
29850F – Sheet 14 of 23	F	Land Tenure Plan Rev-F	20/12/2013
29850F – Sheet 16 of 23	F	Concept Site Drainage Plan– Proposed Swales and Basins Rev-F	20/12/2013
29850F – Sheet 17 of 23	F	Flood Prone & Low Lying Areas Rev-F	20/12/2013
29850F – Sheet 23 of 23	F	Bulk Earthworks (Cut-Fill) Plan Rev-F	20/12/2013

Engineering Drawings prepared by Martens & Associates and Cardno			
Drawing No's.	Revision	Name of Plan	Date
Martens Plan			
P090247JD01_V5	5	Concept Site Drainage Plan – Proposed Swale and Basins (Sheet 1 of 4) as modified by Cardno Plan (see below)	24/12/2009 Submitted with Supplementary Water Cycle management information prepared by Martens & Associates Pty Ltd dated April 2010 provided in Annexure C of Further Response for Submission Report , prepared by ERM and dated April 2010
Cardno Plan			
89023935-CSK2	1	Concept Site Drainage Plan Proposed Swales and Basins (South East Precinct)	24/01/2012
Landscape Drawings Prepared by North Point Surveys (NSW) Pty Ltd and Terras Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
29850 Landscape Plan – Sheet 1 of 1	F	29850 Landscape Plan Rev F	21/01/2014

(d) Insert new clause (4) under Condition A4 as follows:

- (4) *Section 75W Request to Modify the Minister's Approval of Project Application 06_0250 (28 June 2010) – Stages 5 to 8, South Eastern Precinct – Seaside Boulevard, Fern Bay* prepared by Cardno on behalf of Winten Fern Bay No. 2 Pty Ltd, dated 22 January 2014.

(e) Delete the words “‘Concept Design Drainage Plan – Proposed Swales and Basins’, Sheet 1 of 4 prepared by Martens & Associates Pty Ltd, dated 29/12/2009” under Condition B1 and replace as follows:

'Concept Site Drainage Plan – Proposed Swales and Basins Rev-F', Sheet 1 of 23, prepared by North Point Surveys (NSW) Pty Ltd, dated 20/12/2013

(f) Delete the words “‘Staging and Lot Layout Plan Rev-E’, Sheet 1 of 23, drawing 29850E, prepared by North Point Surveys dated 27/03/2013” under Condition B5 and replace as follows:

'Staging & Lot Layout Plan Rev-F', Sheet 1 of 23, drawing 29850F, prepared by North Point Surveys (NSW Pty Ltd) dated 21/01/2014

(g) Delete the words “29850 Landscape Plan, Sheet 1 of 1, prepared by Noth Point Surveys and dated 27/03/2012” under Condition B14 and replace as follows:

29850 Landscape Plan Rev F, Sheet 1 of 1, prepared by North Point Surveys (NSW) Pty Ltd and dated 21/01/2014

- (h) **Delete the words “‘Staging and Lot Layout Plan Rev-E’, Sheet 1 of 23, drawing 29850E, prepared by North Point Surveys dated 27/03/2012 and ‘Land Tenure Plan Rev-E’, Sheet 14 of 23, drawing 29850E, prepared by North Point Surveys dated 27/03/2012.” under Condition B15 and replace as follows:**

‘Staging & Lot Layout Plan Rev-F’, Sheet 1 of 23, drawing 29850 F, prepared by North Point Surveys (NSW) Pty Ltd dated 21/01/2014 and ‘Land Tenure Plan Rev-F’, Sheet 14 of 23, drawing 29850 F, prepared by North Point Surveys (NSW) Pty Ltd dated 20/01/2014.

- (i) **Delete the words “‘Indicative Sewer Layout Rev-E’, Sheet 12 of 23, drawing 29850 E prepared by North Point Surveys dated 27/03/2012” under Condition B16 and replace as follows:**

‘Indicative Sewer Layout Rev-F’, Sheet 12 of 23, drawing 29850 F prepared by North Point Surveys (NSW) Pty Ltd dated 20/12/2013.
