

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 project approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 22 JUNE

2015

SCHEDULE 1

Development Consent:

MP 06_0250 granted by the Deputy Director-General as delegate of the then Minister for Planning on 28 June 2010

For the following:

A residential subdivision comprising subdivision for 411 lots under a community title scheme, creation of conservation, recreational, commercial and community areas and a road network.

On land comprising:

Lot 46 in DP 28008 and Lots 1, 4 and 7 in DP 270466 Seaside Boulevard, Fern Bay in the Port Stephens local government area

Modification:

MP 06_0250 MOD 7 to:

- increase in the total lot yield from 473 lots to 580 lots; and
- reconfiguration of the subdivision layout within stages 8B to 10 and 13 to 17.

SCHEDULE 2

- (1) In Schedule 2, Condition A1, delete point 2) in its entirety and replace it with new point 2) as follows:
 - (2) Subdivision of land for the creation of 580 lots under a community title scheme, including 561 residential lots, 17 super lots, and 2 commercial lots.
- (2) In Schedule 2, delete Condition A2 in its entirety and replace with the 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:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 51 lots;
 - (c) construction of sewer pump station P4; and
 - (d) 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; and
 - (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; and
 - (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; and
 - (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; and
 - (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) 35 lots;
 - (c) construction of conveyance swale to infiltration Area 4;
 - (d) construction of conveyance swale to infiltration Area 5; and
 - (e) construction of sewer pump station P7.

- (7) Stage 9 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications; and
 - (b) 34 lots.
- (8) Stage 10 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications; and
 - (b) 36 lots.
- (9) Stage 11 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications; and
 - (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; and
 - (b) 30 lots.
- (11) Stage 13 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications; and
 - (b) 19 lots, including 1 superlot.
- (12) Stage 14 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications;
 - (b) 35 lots, including 1 superlot;
 - (c) northern extension of Seaside Boulevard, including an intersection with Nelson Bay Road (northern intersection); and
 - (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; and
 - (b) 31 lots.
- (14) Stage 16 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications; and
 - (b) 61 lots.
- (15) Stage 17 comprises:
 - (a) clearing, earthworks, roadwork, stormwater, and landscaping as well as servicing provisions for sewer, water supply, power and communications; and
 - (b) 17 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; and
 - (c) construction of sewer pump station P3.
- (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 446); and
 - (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; and
 - (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.

- (3) In Schedule 2, delete Condition A3 in its entirety and replace with the 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 |
| 29850G – Sheet 1 of 21 | G | Staging & Lot Layout Rev-G | 03/12/2014 |
| 29850G – Sheet 2 of 21 | G | Staging Plan | 08/12/2014 |
| 29850G – Sheet 3 of 21 | G | Stages 4 - 6 Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 4 of 21 | G | Stage 7 & 8A Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 5 of 21 | G | Stages 8B - 10 Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 6 of 21 | G | Stages 13 & 14 Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 7 of 21 | G | Stages 15 - 17 Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 8 of 21 | G | Stages 18 & 19 Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 9 of 21 | G | Stage 20 Detail Plan Rev-G | 03/12/2014 |
| 29850G – Sheet 10 of 21 | G | Indicative Sewer Layout Rev-G | 03/12/2014 |
| 29850G – Sheet 11 of 21 | G | Indicative Watermain Layout Rev-G | 05/12/2014 |
| 29850G – Sheet 12 of 21 | G | Land Tenure Plan Rev-G | 05/12/2014 |
| 29850G – Sheet 13 of 21 | G | Subject & Adjoining Title Details Rev-G | 03/12/2014 |
| 29850G – Sheet 14 of 21 | G | Concept Site Drainage Plan– Proposed Swales and Basins Rev-G | 05/12/2014 |
| 29850G – Sheet 15 of 21 | G | Flood Prone & Low Lying Areas Rev-G | 05/12/2014 |
| 29850G – Sheet 16 of 21 | G | Typical Drainage Treatments Detail 1 Rev-G | 03/12/2014 |
| 29850G – Sheet 17 of 21 | G | Typical Drainage Treatments Detail 2 Rev-G | 03/12/2014 |
| 29850G – Sheet 18 of 21 | G | Footpath & Cycleway Rev-G | 03/12/2014 |
| 29850G – Sheet 19 of 21 | G | Typical Road Detail Rev-G | 03/12/2014 |

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|---|-----------------|--|---|
| 29850G – Sheet 20 of 21 | G | Aerial View Rev-G | 03/12/2014 |
| 29850G – Sheet 21 of 21 | G | Bulk Earthworks (Cut-Fill) Plan Rev-G | 03/12/2014 |
| 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 | G | 29850 Landscape Plan Rev G | 05/12/2014 |

- (4) In Schedule 2, Condition A4, delete the word “and” at the end of point (5), replace the period at the end of point (6) and replace with the words “; and’ and insert new point (7) immediately afterwards as follows:
- (7) *Section 75W Request to Modify the Minister’s Approval of Project Application 06_0250 (28 June 2010) – Seaside Boulevard, Fern Bay. Modification sought realigns roads and allotments within existing footprints for Stages 8B – 10 and Stages 13 – 17 prepared by Cardno on behalf of Fern Bay No. 1 Pty Ltd, dated 23 December 2014.*
- (5) In Schedule 2, Condition B1, delete the words “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)” and replace with the words “Concept Site Drainage Plan – Proposed Swales and Basins Rev-G’, Sheet 14 of 21, prepared by North Point Surveys (NSW) Pty Ltd, dated 05/12/2014)”.
- (6) In Schedule 2, Condition B2, after the words “Construction Certificate for that stage.”, insert the words “A bus stop must be provided within 400 metres of each lot, unless otherwise approved by the Secretary.”
- (7) In Schedule 2, Condition B5, delete the words “Staging & Lot Layout Plan Rev-F’, Sheet 1 of 23, drawing 29850F, prepared by North Point Surveys (NSW Pty Ltd) dated 21/01/2014” and replace with the words “Staging & Lot Layout Plan Rev-G’, Sheet 1 of 21, drawing 29850G, prepared by North Point Surveys (NSW Pty Ltd) dated 03/12/2014”.
- (8) In Schedule 2, Condition B14, delete the words “29850 Landscape Plan Rev F, Sheet 1 of 1, prepared by North Point Surveys (NSW) Pty Ltd and dated 21/01/2014” and replace with the words “29850 Landscape Plan Rev G, Sheet 1 of 1, prepared by North Point Surveys (NSW) Pty Ltd and dated 05/12/2014”.

- (9) In Schedule 2, Condition B15, delete the words "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" and replace with the words "Staging & Lot Layout Plan Rev-G', Sheet 1 of 21, drawing 29850 G, prepared by North Point Surveys (NSW) Pty Ltd dated 03/12/2014 and 'Land Tenure Plan Rev-G', Sheet 12 of 21, drawing 29850 G, prepared by North Point Surveys (NSW) Pty Ltd dated 05/12/2014".
- (10) In Schedule 2, Condition B16, delete the words "Indicative Sewer Layout Rev-F', Sheet 12 of 23, drawing 29850 F prepared by North Point Surveys (NSW) Pty Ltd dated 20/12/2013" and replace with the words "Indicative Sewer Layout Rev-G', Sheet 10 of 21, drawing 29850 G prepared by North Point Surveys (NSW) Pty Ltd dated 03/12/2014".
- (11) In Schedule 2, Condition B23, delete the words "Land Tenure Plan Rev-E', Sheet 14 of 23, drawing 29850E, prepared by North Point Surveys dated 27/03/2012" and replace with the words "Land Tenure Plan Rev-G', Sheet 12 of 21, drawing 29850 G, prepared by North Point Surveys dated 05/12/2014".

END OF MP 06_0250 MOD 7
