

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 modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Heather Warton

Director- Industry, Social Projects and Key Sites

As delegate of the Minister for Planning and Infrastructure

Sydney 23 September

2013

SCHEDULE 1

Project Approval:

08_0003 granted by the Minister for Planning and Infrastructure on 18 June 2012

For the following:

Residential subdivision and construction of dwellings in 2 stages, including:

- 33 lots under community title (31 residential lots);
- 2 torrens title lots;
- associated site and construction works;
- construction of 31 dwellings;
- construction and dedication of local collector road; and
- dedication of 3.102ha as public reserve to council.

Modification:

MP08_0003 MOD 1

Amendments to the:

- Subdivision layout
- Staging of the project
- Location of bio-retention basin
- Bulk earthworks and finished levels for each lot
- Architectural drawings for construction of dwellings on lots 1 to 6 and 16 to 20, and deletion of approval for the construction of dwellings on lots 7 to 14 and 26 to 36

SCHEDULE 2 MODIFICATION OF PROJECT APPROVAL

1. In the Table in Part A of Schedule 1, in the project description:
 - before the word 'stages' delete '2';
 - in the fourth dot point, delete the words '31 dwellings' and replace them with the following words "12 dwellings (Stage One)"; and
 - in the sixth dot point, replace the words "3.102ha" with the words "lot 24".
2. Delete condition A1 and replace it with the new condition A1 as follows::

A1 *Project Description*

(1) *Stage One:*

Stage One of the approved project consists of:

- a) 12 community title residential lots (lots 1 to 6 and lots 15 to 20) and a residue lot;
- b) 2 community lots (lot 23 and lot 25) including internal access road, fire trail and bio retention;
- c) one torrens title lot (lot 24) to be dedicated as public reserve;
- d) construction of 12 dwellings;
- e) one residue lot (including road reserve and future torrens title lot 22);
- f) construction of all proposed roads within the project as shown in de Groot & Benson General Arrangement – Drawing No 02 dated 17.06.2013 (DA8), including the access road to be constructed over lot 1 DP 262300 and the associated cul-de-sac, the internal road over lot 23 and the collector road within the road reserve on site; and
- g) earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

(2) *Further Stages*

Further stages (with staging to be determined by the proponent) of the approved project consist of:

- a) 19 community title residential lots (lots 7 to 14 and 26 to 36); and
- b) one torrens title lot (Lot 22).

3. Delete condition A2 and replace it with the new condition A2 as follows:

A2 *Deferral of Stages*

A subdivision certificate for the stage 1 residential lots shall not be released until the full extent of the collector road has been constructed through the subject site and this section of the collector road has been dedicated to Council.

4. Delete condition A3 and replace it with new condition A3 as follows:

A3 Development in Accordance with Plans and Documentation

The development is to be undertaken in accordance the following documents and plans:

- Environmental Assessment Report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd dated July 2008 (revised July 2009);
- Preferred Project Report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd dated November 2010 (revised with further information submitted on 22 June 2011 and 6 February 2012; and
- Modification application MP08_0003 MOD 1, the letter dated 6 May 2013 from Geoff Smyth Consulting, and including the following schedule of drawings;

Engineering Drawings prepared by de Groot & Benson Consulting Engineers and Planners			
Drawing No.	Amendment No.	Name of Plan	Date
01	DA5	Lot Layout	03.06.2013
02	DA8	General Arrangement	17.06.2013
05	DA4	Stormwater Management and Services Plan	17.06.2013
Architectural Drawings prepared by Hibbard's for dwellings on Lots 1 to 6 and 16 to 20			
Drawing No.s	Revision No.	Name of Plans	Date
Lot 1 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated
Lot 2 Sheets 02, 03 and 05	A	Site Plan, Floor Plan and Elevations	undated
Lot 3 Sheets 02, 03 and 04	A	Site Plan, Floor Plan and Elevations	undated
Lot 4 Sheets 02, 03 and 05	A	Site Plan, Floor Plan and Elevations	undated
Lot 5 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated
Lot 6 Sheets 02, 04 and 05	A	Site Plan, Floor Plan, Elevations	undated
Lot 16 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated
Lot 17 Sheets 02, 03 and 05	A	Site Plan, Floor Plan, Elevations	undated
Lot 18 Sheets 02, 03 and 05	A	Site Plan, Floor Plan, Elevations	undated
Lot 19 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated

Lot 20 Sheets 02, 03 and 05	A	Site Plan, Floor Plan, Elevations	undated
Architectural Drawings prepared by Design Studio 22 for dwelling on Lot 15			
Drawing No.s	Revision No.	Name of Plans	Date
Lot 15 Sheets 02, 04, 05 and 06	A	Site Plan & Analysis, Floor Plan, Roof Plan, and Elevations	20.06.2013

5. Delete condition A5 and replace it with the new condition A5 as follows:

A5 Amendment to Approved Plans

Drawing No's 01, 02 and 05 prepared by de Groot & Benson Consulting Engineers and Planners as listed in the schedule of drawings in condition A3 (c) shall be amended in relation to the boundary between lots 24 and 25 at the eastern end of the site, as marked in red on those drawings (Drawing 01, DA5, 'Lot Layout'; Drawing 02, DA8 'General Arrangement'; DA05, DA4, 'Stormwater Management and Services Plan').

Note: This amendment is required so as to ensure that the creekline on the site is located wholly within lot 24 to be dedicated to Coffs Harbour City Council.

6. In the heading to condition A6 replace the words "(Stage 2)" with the words "(Future Stages)".
7. Delete condition A8 and replace it with new condition A8 as follows:

A8 Section 94 Development Contributions:

Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Contributions:

	\$ Per Lot or Per Dwelling
Coordination and Administration	\$ 377.31
Coffs Harbour Road Network	\$ 909.40
Surf Rescue Equipment	\$ 67.62
Moonee Transport and Traffic	\$ 10,973.76
Community Facilities	\$ 811.04
Urban Planning	\$ 145.90
District Open Space	\$ 5,434.38
Neighbourhood Open Space	\$ 1,347.85

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2013
- Coffs Harbour Road Network 2013
- Surf Rescue Equipment 2012
- Moonee Release Area 2013

The Contribution Plans may be inspected at the Council administration offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbournsw.gov.au

Note 1 — The contributions are to be paid prior to release of any Construction Certificates for dwellings or any Subdivision Certificates for lots, whichever occurs the sooner, unless

other arrangements acceptable to Council are made.

Note 2 — The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 — If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

8. In condition B2 in the first line of the condition replace the word “both” with the word “the”.
9. In condition B10:
 - in part (a) delete the words “(including the construction of the collector road for stage 2 of the subdivision, refer to conditions A1(b) and A2)”; and
 - in the remaining body of the condition replace the words “stage 2 (conditions A1(b) and A2)” with the words “further stages (refer to condition A2)”.
10. Delete condition B14 and replace it with new condition B14 as follows:

B14 Water Management Act 2000

Provision to Council prior to the release of any Construction Certificates for dwellings or any Subdivision Certificates for lots, whichever occurs first, of a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development.”

11. In the sentence under the heading “PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR THE DWELLINGS” delete the words “(Stage One and Stage Two)”.

12. Delete condition B22 and replace with the following condition:

B22 Cut and Fill and Finished Floor Levels

Cut and fill works and building pads for all residential lots are to be consistent with the Earthworks Plan prepared by deGroot & Benson, Drawing No. C-203 (Project 09095) Amendment B dated 05/04/2013 (as approved by Coffs Harbour City Council on 14 May 2013 under construction certificate 13/10).

13. In condition D8 delete the first sentence “Construction site access is to be from Woodhouse Road”.

14. In condition E4:

- After the words “Community Management Statement’ in the first sentence, add the following words, “for approval of council”.
- include the following additional point (d) at the end of the condition:

(d) The community management statement shall include Design Guidelines requiring that the siting and design of the dwellings in the future stages of the subdivision (on lots 7 to 14 and 26 to 36) shall be generally consistent with the dwelling footprints

show on the General Arrangement Plan, Drawing 02, Amendment DA8 listed in condition A3, and generally consistent with the dwelling designs shown in the plans prepared by Ross D Colquhoun as listed in condition A3 of the original project approval issued on 18 June 2012, and as amended by the Dwelling Type Schedule Plan, marked A.

15. In condition E6:

- In point (a) delete the words “(including the construction of the collector road for stage 2 of the subdivision refer to conditions A1(b) and A2)”.
 - Delete point (2) and (3) and replace them with the following
- (2) Prior to the issue of subdivision certificates for the Stage 1 residential lots and prior to the issues of occupation certificates for the Stage 1 dwellings:
- (a) The access road and associated cul-de-sac off woodhouse Road shall be constructed and completed; and
 - (b) The full extent of the collector road shall be constructed and completed through the subject site.
- (3) Prior to the issues of occupation certificates for the Stage 1 dwellings, the access road and cul-de-sac off Woodhouse Road, and the collector road on the subject site, shall be dedicated to council.