

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT

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 28 May 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2011

SCHEDULE 1

Project Approval:

MP08_0258 granted by the Minister for Planning on 14 July 2010

For the following:

The Project Application for:

- Subdivision, basement structure and construction of 3 x 8 storey buildings;
- Demolition of existing structures and tree removal
- Construction of final landforms and landscaping of the public and private domain
- Internal and external roadworks
- Services, utilities and stormwater management works
- A child care facility and private communal resident facilities
- Consolidation of existing lots and subdivision into a community title allotment and Torrens title lot for the proposed child care centre

Modification Number:

MP08_0258 MOD 2 and MOD 3

Modification

The proposed changes include:

- Amended Tree Removal Plan for the removal of selected trees (MOD2);
- Amended Community Title staged subdivision (MOD3);
- Insert Stage 1 Community Title Plan of Subdivision (MOD3); and
- Insert new condition for replacement tree planting.

SCHEDULE 2

PART A — TABLE

a) *To reflect the staged community title subdivision of the land, the description of the development is amended to read as follows:*

- Demolition of existing structures and tree removal
- Construction of final landforms and landscaping of the public and private domain
- Internal and external roadworks
- Services, utilities and stormwater management works
- A child care facility and private communal resident facilities
- Consolidation of existing lots and **staged** subdivision into a community title allotment and Torrens title lot for the proposed child care centre

CONDITIONS OF APPROVAL

b) *Amend Condition A2 in relation to landscape by replacing the tree removal plan with the following plan:*

Early Works Landscape Package prepared for the Environmental Assessment / Preferred Project Report by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
EW-PA05	04	Tree Removal Plan	18/08/2011

c) *Amend Condition A2 in relation to subdivision by replacing the subdivision plans sheet 1 to 4, with the following subdivision plan:*

Subdivision Plans prepared by JBW Surveyors			
Drawing No.	Revision	Name of Plan	Date
124607\Epping\Concept	Rev 1	Concept Plan – Community Title Development at Mobbs Lane, Epping	12/08/2010

d) *Amend Condition A2 in relation to staging subdivision by inserting the following staging subdivision plan:*

Subdivision Plans prepared by JBW Surveyors			
Drawing No.	Revision	Name of Plan	Date
124607\Epping\Concept – Stage 1	-	Concept Plan – Showing the Proposed Stage 1 Community Title Plan of Subdivision	20/04/2011

e) *Delete Condition C19 and replace with the following:*

C19 Tree Protection and Replacement

- a) A Tree Restoration Plan is to be prepared in accordance with the 'Best Practice Guidelines: Sydney Turpentine Ironbark Forest' (DECC 2009). Details are to be submitted to the Accredited Certifier for approval prior to commencement of works in the vicinity of the restoration area in accordance with the recommendations of Anne

Clements and Associates report dated 2 July 2010 and updated reports prepared by Tree and Landscape Consultants (TALC) dated 13 December 2010 and 8 July 2011.

- b) The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition / excavation / construction process in accordance with the arborist report submitted with the EA / PPR (including the preparation of a Bush Regeneration Restoration Plan) and the relevant conditions of this Approval.
- c) Sixteen (16) additional trees of 75 litre pot size are to be planted within a suitable area of the site. In this regard, a plan showing the proposed location of the trees is to be submitted to the Director General of the Department of Planning and Infrastructure (or delegate) for approval prior to the occupation of the first residential building within Stage 1. These trees are to consist of the following species:
 - *Lophostemon confertus* (Brush Box)
 - *Eucalyptus saligna* (Sydney Blue Gum)
 - *Syncarpia glomulifera* (Turpentine)

END OF MODIFICATIONS TO MP08_0258 - MOD 2 and 3