

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate, under the delegation executed on 16 February 2015, I approve the section 75W modification request of the Project Approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Chris Ritchie  
Director  
Industry Assessments

Sydney

16 DECEMBER

2015

### SCHEDULE 1

**Application No.:**

06\_0250 MOD 8

**Applicant:**

Fern Bay No. 1 Pty Ltd

**Consent Authority:**

Minister for Planning

**Land:**

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

**Development:**

Residential subdivision, comprising:

- 608 lots, inclusive of 590 residential lots, 16 super lots and two commercial lots;
- creation of conservation, recreational, commercial and community areas; and
- a road network.

## 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 608 lots under a community title scheme (including 590 residential lots, 16 superlots, and 2 commercial lots).
2. In Schedule 2, Condition A2, point (11)(b), delete the words "19 lots, including 1 superlot" and replace them with "47 lots".
3. In Schedule 2, delete Condition A3 in its entirety and replace it 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			
Drawing No.	Revision	Name of Plan	Date
29850 – Sheet 0 of 21	J	Sheet List	27/10/2015
29850 – Sheet 1 of 21	J	Staging and Lot Layout	27/10/2015
29850 – Sheet 2 of 21	J	Staging Plan	27/10/2015
29850 – Sheet 3 of 21	J	Stage 4 – 6 Detail Plan	27/10/2015
29850 – Sheet 4 of 21	J	Stage 7 & 8A Detail Plan	27/10/2015
29850 – Sheet 5 of 21	J	Stages 8B – 10 Detail Plan	27/10/2015
29850 – Sheet 6 of 21	J	Stages 13 & 14 Detail Plan	27/10/2015
29850 – Sheet 7 of 21	J	Stages 15 – 17 Detail Plan	27/10/2015
29850 – Sheet 8 of 21	J	Stages 18 & 19 Detail Plan	27/10/2015
29850 – Sheet 9 of 21	J	Stage 20 Detail Plan	27/10/2015
29850 – Sheet 10 of 21	J	Indicative Sewer Layout	27/10/2015
29850 – Sheet 11 of 21	J	Indicative Water Main Layout	27/10/2015
29850 – Sheet 12 of 21	J	Land Tenure Plan	27/10/2015
29850 – Sheet 13 of 21	J	Subject and Adjoining Title Details	27/10/2015
29850 – Sheet 14 of 21	J	Concept Site Drainage Plan – Proposed Swales and Basins	27/10/2015
29850 – Sheet 15 of 21	J	Flood Prone and Low Lying Areas	27/10/2015
29850 – Sheet 16 of 21	J	Typical Drainage Treatments Detail 1	27/10/2015
29850 – Sheet 17 of 21	J	Typical Drainage Treatments Detail 2	27/10/2015
29850 – Sheet 18 of 21	J	Footpath and Cycleway	27/10/2015
29850 – Sheet 19 of 21	J	Typical Road Detail	27/10/2015
29850 – Sheet 20 of 21	J	Aerial View	27/10/2015
29850 – Sheet 21 of 21	J	Bulk Earthworks (Cut-Fill) Plan	27/10/2015
Engineering Drawings prepared by Martens & Associates and Cardno			
Drawing No's.	Revision	Name of Plan	Date
<b>Martens Plan</b>			
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
<b>Cardno Plan</b>			
89023935-CSK2	1	Concept Site Drainage Plan Proposed Swales and Basins (South East Precinct)	24/01/2012
<b>Landscape Drawings Prepared by North Point Surveys (NSW) Pty Ltd and Terras Landscape Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
29850 Landscape Plan – Sheet 1 of 1	J	29850 Landscape Plan Rev G	27/10/2015

4. In Schedule 2, Condition A4, delete the word “and” at the end of point (6), replace the period at the end of point (7), and replace with the words “; and” and insert new point (8) immediately afterwards as follows:
 

(8) *Updated Section 75W Request to Modify the Minister's Approval of Project Application 06\_0250 (28 June 2010) – Seaside Boulevard, Fern Bay: Modification 8 – Design Change in Stage 13 to Subdivide Superlot (Proposed Lot 56) Into 29 Residential Lots* prepared by Cardno on behalf of Fern Bay No. 1 Pty Ltd, dated 10 November 2015.
5. In Schedule 2, Condition B1, delete 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)” and replace with the words “Concept Site Drainage Plan – Proposed Swales and Basins Rev J’, Sheet 14 of 21, prepared by North Point Surveys (NSW) Pty Ltd, dated 27/10/2015)”.
6. In Schedule 2, Condition B5, delete the words “Staging & Lot Layout Plan Rev-G’, Sheet 1 of 21, prepared by North Point Surveys (NSW Pty Ltd) dated 03/12/2014” and replace with the words “Staging & Lot Layout’, Sheet 1 of 21, drawing 29850J, prepared by North Point Surveys (NSW Pty Ltd) dated 27/10/2015”.
7. In Schedule 2, Condition B8, add a fourth point as follows:
  - Property access roads shall comply with section 4.1.3 (2) of *Planning for Bushfire Protection 2006*.
8. In Schedule 2, Condition B14, delete the words “29850 Landscape Plan Rev G, Sheet 1 of 1, prepared by North Point Surveys (NSW) Pty Ltd and dated 05/12/2014” and replace with the words “29850 Landscape Plan, Sheet 1 of 1, prepared by North Point Surveys (NSW) Pty Ltd and dated 27/10/2015”.
9. In Schedule 2, Condition B15, delete 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 03/12/2014” and replace with the words “Staging & Lot Layout’, Sheet 1 of 21, drawing 29850 J, prepared by North Point Surveys (NSW) Pty Ltd dated 27/10/2015 and ‘Land Tenure Plan, Sheet 12 of 21, drawing 29850 J, prepared by North Point Surveys (NSW) Pty Ltd dated 27/10/2015”.
10. In Schedule 2, Condition B16, delete 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” and replace with the words “Indicative Sewer Layout’, Sheet 10 of 21, drawing 29850 J prepared by North Point Surveys (NSW) Pty Ltd dated 27/10/2015”.
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 it with the

words "Land Tenure Plan, Sheet 12 of 21, drawing 29850J, prepared by North Point Surveys dated 27/10/2015".

12. In Schedule 2, after Condition B7 add new Condition B8 as follows:

**B8 Access to Battleaxe Lots**

A minimum three metre wide reinforced concrete driveway for the full length of the access handle for all battleaxe lots in Stage 13 must be constructed prior to the release of the Subdivision Certificate for these lots.

**END OF MP 06\_0250 MOD 8**

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