

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, I approve the modification of the project approval referred to in schedule 1, subject to the conditions in schedule 2.



Heather Warton
Director
Metropolitan and Regional Projects North

Sydney 13 March 2013

SCHEDULE 1

Project Approval:	07_0026 granted by the then Minister for Planning on 12 November 2008
For the following:	A 63 lot subdivision comprising 54 residential lots, 6 super lots for future development, 2 open space lots and a residual lot
On land comprising:	Lot 234 DP 1104071 Montwood Drive, Lennox Head in the Ballina local government area
Modification:	<p>07_0026 Mod 4:</p> <ul style="list-style-type: none">• increasing the total area of conservation zone from 7.6ha to 14.07 ha;• removing 18 residential lots (approx 2 ha) with direct frontage to the conservation zone, such that the whole of this zone will now be bounded by road reserve;• reducing the area of Super Lot 5 (the retirement village site) by approximately 0.5 ha, to enhance the connection from the conservation zone east to the conservation zone west;• removing Super Lot 2 (the tavern site) (5,750 m²) to enhance connectivity of the conservation zone around the perimeter of the water quality pond;• relocating Super Lot 4 (the community hall site) to improve the conservation zone connectivity; and,• amending the staging of development to reflect removal of Super Lot 2 and reduction in the number of residential lots.

Note: This modification description includes changes for both the concept plan and stage 1 project approval.

SCHEDULE 2

The project approval is modified as follows:

- a) deleting row 6 in PART A – TABLE of Schedule 1 and replacing with new row 6 as follows:

For the carrying out of	A 61 lot residential subdivision comprising 51 residential lots, 7 super lots for future development, 2 open space lots and a residual lot and roads and civil works
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- b) deleting condition A1 and replacing with new condition A1 as follows:

A1 *Project Description*

Project approval is granted only to carrying out the project described in detail below:

A 65 lot residential subdivision comprising

- (1) 51 residential lots ranging in size from 600m² to 900m²;
- (2) 7 super lots for future development as follows:
 - (a) Super lot 1 (1.44 ha);
 - (b) Super lot 3 (0.21 ha);
 - (c) Super lot 4 (0.18 ha);
 - (d) Super lot 5 (4.2 ha);
 - (e) Super lot 6 (0.24 ha);
 - (f) Super lot 7 (5.59 ha);
 - (g) Super lot 8 (4.98 ha).
- (3) Two open space lots of 910 m² and 641 m²;
- (4) Earthworks;
- (5) Associated roads and civil works; and
- (6) Landscaping.

- c) deleting the word “54” in condition A2(1) and replacing with the word “51”.

- d) Deleting the word “2” in condition A2(2).

- e) Deleting rows 1 to 10 in the table in condition A3 and replacing with new rows as follows:

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
1675-1025		Illustration P1 Stage 1 Project Application	October 2012
1675-1034		Illustration P2 Stage 1 Subdivision Plan	September 2012
1675626 13C		Illustration P3 Stage 1	17 May 2012

		Landscape Plan	
1675-1036		Illustration P4 Stage 1 Stormwater Concept Plan	November 2012
1675-1037		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	August 2012
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/06/10
		Illustration P8 Stage 1 Erosion and Sedimentation Control Details	27/11/07

f) immediately after term A4 i), inserting the following words:

Modification Documentation

- j) *Pacific Pines Modification Report* including all appendices prepared by Geolink, dated July 2012.
- k) Updated plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012

g) deleting term A8 and replacing with new term A8 as follows:

A8 *Lapsing of Approval*

This project approval shall lapse on 8 November 2016, unless works the subject of this approval have physically commenced, on or before that lapse date.

h) Inserting new condition C8

C8 *Laying of Sewer Mains in Conservation Zone*

- a) No construction works are to be undertaken within the conservaton zone area with the exception of those necessary for the laying of a sewer main across the mid south-western corner of the HJG conservation zone, as shown in Illustration P5 – (1675-1037) dated August 2012.
- b) Prior to any construction works within the conservation zone area for the purposes of laying of sewer mains, a ground survey shall be undertaken by a suitably qualified consultant to determine whether Hairy Joint Grass is present in the proposed construction area. If Hairy Joint Grass is found to be present, construction shall be undertaken in the winter months to avoid impacting on the breeding cycle of the Hairy Joint Grass.

i) Inserting new condition C9

C9 *Perimeter Fencing*

Prior to the issue of a construction certificate for Stage 1A details of transparent perimeter fencing to be constructed along the eastern lot boundary of the most south-eastern lot in Stage 1A shall be submitted to the satisfaction of council.

j) Inserting new condition C10

C10 *Perimeter Fencing*

Transparent perimeter fencing must be constructed along the eastern property boundary of the most south-eastern lot in Stage 1A, prior to the issue of a subdivision certificate for Stage 1A.