

# Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the section 75W modification of the Concept Plan approval referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Ben Lusher  
A/Director  
Industry, Key Sites and Social Projects

Sydney

11 September 2014

### SCHEDULE 1

<b>Concept Plan:</b>	06_0212 granted by the Deputy Director-General on 22 December 2010 under the Minister's delegation.
<b>Proponent</b>	Le Clos Pty Ltd
<b>For the following:</b>	<p>Boundary adjustment, subdivision and implementation of associated infrastructure for 142 residential lot rural subdivision comprising:</p> <ul style="list-style-type: none"><li>• Torrents title boundary adjustment between Lot 51 in DP775871 and neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549) and Lot 91 DP 805549;</li><li>• Staged (13 stages) subdivision into 142 rural residential lots under community title;</li><li>• Provision of access, landscaping and associated stormwater drainage infrastructure; and</li><li>• Provision of community open space lot (lot 1) for provision of community facilities.</li></ul>
<b>Modification:</b>	<p>MP06_0212 Modification 1:</p> <ul style="list-style-type: none"><li>• boundary adjustments to the torrens title subdivision (2 lots) (Stage A);</li><li>• amendments to the subdivision layout (142 residential lots);</li><li>• re-ordering the lots being released at each stage;</li><li>• relocation of the entry road, 25m west of the currently approved entrance;</li><li>• amendments to lot numbering;</li><li>• updating the plan references within the development;</li><li>• update of the statement of commitments to reflect the updated lot numbers, stages and to zonings for consistency with the Port Macquarie-Hastings 2011 Local Environmental Plan.</li></ul>

## SCHEDULE 2

1. In Schedule 1, Part C definitions delete the definitions for 'DECCW', 'Department', and 'Director-General', and insert the following definitions in alphabetical order:

<b>Department</b>	Department of Planning & Environment, or successor
<b>OEH</b>	Office of Environment and Heritage
<b>Secretary</b>	Secretary of the Department or nominee

2. In Schedule 2, replace all references to 'Director-General' with 'Secretary'.
3. Replace all references to DECCW and Department of Environment, Climate Change and Water with OEH in Schedule 2.
4. Replace Term A1 dot points 2, 6, 7, 8, 12 and 13 in Schedule 2 with the following dot points:
  - Minor boundary adjustment and re-registration of Lot 91 DP 805549 (**as proposed Lot 927**) under Torrens Title prior to registration of Stage 1.
  - Establishment in **Stage 11** of the Project of a future vehicular access link to the adjacent rural land to the east identified under Council's Rural Residential Strategy for future investigation;
  - Minor filling for **Lots 18, 63, 64, 102 & 157** and **Lots 99, 121 & 122** in the community title subdivision;
  - Clearing of approximately 8000m<sup>2</sup> of Swamp Oak Floodplain Forest will also occur over **Lots 18, 63, 64, 102 & 157** and **Lots 99, 121 & 122**;
  - Provision of a pedestrian public access way along the Hastings River Crown Reserve connecting Bengal Street to **Lot 37**; and
  - Creation of a system of pathways establishing practical access to the Hastings River and Haydons Creek Foreshore Reserves at Stages 1, 2, 3 and 9 of the Project;
5. Replace Term A2 1) dot point 2, and A2 2) in Schedule 2 with the following:
  - Boundary adjustment and re-registration of Lot 91 DP805549 prior to registration of Stage 1 (**Proposed Lot 927**).

2) The remainder of the Project is staged as follows:

- <b>Stage 1:</b>	<b>8 Lots</b>	<b>Lots 1-5 and 20-22</b>
- <b>Stage 2:</b>	<b>49 Lots</b>	<b>Lots 10-12, 14, 17-19 and 23-64</b>
- <b>Stage 3:</b>	<b>29 Lots</b>	<b>Lots 15 and 68-95</b>
- <b>Stage 4:</b>	<b>3 Lots</b>	<b>Lots 13, 98 and 99</b>
- <b>Stage 5:</b>	<b>9 Lots</b>	<b>Lots 6 and 101-108</b>
- <b>Stage 6:</b>	<b>7 Lots</b>	<b>Lots 113-119</b>
- <b>Stage 7:</b>	<b>4 Lots</b>	<b>Lots 121-123</b>
- <b>Stage 8:</b>	<b>4 Lots</b>	<b>Lots 126-129</b>
- <b>Stage 9:</b>	<b>8 Lots</b>	<b>Lots 131-138</b>
- <b>Stage 10:</b>	<b>7 Lots</b>	<b>Lots 140-146</b>
- <b>Stage 11:</b>	<b>8 Lots</b>	<b>Lots 149-156</b>
- <b>Stage 12:</b>	<b>3 Lots</b>	<b>Lots 157-159</b>
- <b>Stage 13:</b>	<b>3 Lots</b>	<b>Lots 160-162</b>



It is noted that staging of allotment construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

Note: Due to factors relating to Community Title registration and the requirement for sequential lot numbering, "Development Lot" numbers cannot be re-used with registration of subsequent stages. Hence lots within the subdivision scheme run from Lot 1 to **Lot 162** of which only 142 residential, or developable lots under Community Title are being created.

6. Insert new Term A3 c) after Term A3 b) in Schedule 2 as follows:

**c) Environmental Assessment (including updated Statement of Commitments) for Major Project MP06\_02012 (MOD 1) prepared by Hopkins Consultants on behalf of Le Clos Pty Ltd, 30 April 2014.**

7. Replace Term A4 in Schedule 2 with the following:

***A4 Project in Accordance with Plans***

The proponent shall carry out the Concept Plan and all related future/projects applications generally in accordance with the following plans:

<b>Landscape Drawings prepared by Rupert G H Milne Home, Landscape Consulting</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
2802 – Sheets 1 & 2	A	Landscape Concept Plan	11/02/2009
<b>Survey Drawings prepared by Hopkins Consultants Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
6096 – Sheet 1A	2	Overall Plan of Subdivision Sheets 1-14	17/08/12
6096 – Sheets 1B & 1C	2	Proposed Subdivision Detail	17/08/12
6096 – Sheet 2	2	Proposed Subdivision – Contours & Flood Levels	17/08/12
6096 – Sheet 3	2	Proposed Subdivision – Zone Boundary	17/08/12
6096 – Sheet 4	2	Proposed Subdivision – Aerial Photograph	17/08/12
6096 – Sheet 5	2	Proposed Subdivision – Flood Levels & Intended Filling	17/08/12
6096 – Sheet 6	2	Proposed Subdivision – Stormwater Strategy	17/08/12
6096 – Sheets 7A, 7B & 7C	2	Proposed Subdivision – Sample Building Envelopes	17/08/12
6096 – Sheet 8	2	Proposed Subdivision – Access Strategy	17/08/12
6096 – Sheets 9A & 9B	2	Proposed Subdivision – Staging Plan	17/08/12

6096 – Sheet 10	<b>2</b>	Proposed Subdivision Comparison Existing Proposed Lot Layouts	– &	<b>17/08/12</b>
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Note: The drawings in the above table are subject to amendments in accordance with a revised subdivision plan to be submitted and approved by the Secretary as required by Condition B1 Design modification below.

8. Insert new Term A8 after Term A7 in Schedule 2 as follows:

**A8 Stage 1**

No physical works are permitted within Stage 1 of the project unless otherwise agreed to by the Secretary.

9. Replace Term B1 (1), (3) and (4) in Schedule 2 with the following:

- (1) proposed **Lot 2** is modified to be a minimum of four (4) hectares in size;

Note: This conditions ensures that any Part 3A subdivision approval granted by the Minister is consistent with Part 4 development consent re: 89/0079 which requires a minimum 4Ha lot requirements for the rural tourist facility.

- (3) public pedestrian access is to be provided along the western boundary of the site adjacent to the Crown Reserve, between Bengal Street and **Lot 37** where relevant approvals from LPMA to site the access on Crown Land (as described in sub-clause (2) are not obtained;

Note: These clauses ensure that public pedestrian access along the Hastings River foreshore is improved as a result of any subdivision approval in accordance with SEPP 71 objectives. They require access to be provided on the site unless arrangements can be made to undertake the works on Crown Land.

- (4) present lot 51 (**proposed lot 921**) is not to form part of the Community Title subdivision, nor does it form part of the Community Association.

The modified plans showing these modifications are required to be submitted to and approved by the Secretary prior to the issue of the first Construction Certificate for any stage of the project other than Stage A.