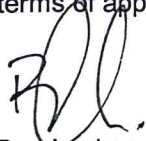


Modification of Minister's Approval

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 Project 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

Project Approval:	06_0212 granted by the Deputy Director-General on 22 December 2010 under the Minister's delegation.
Proponent	Le Clos Pty Ltd
For the following:	<p>Boundary adjustment, subdivision and implementation of associated infrastructure for 142 residential lot rural subdivision comprising:</p> <ul style="list-style-type: none">• 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;• Staged (13 stages) subdivision into 142 rural residential lots under community title;• Provision of access, landscaping and associated stormwater drainage infrastructure; and• Provision of community open space lot (lot 1) for provision of community facilities.
Modification:	<p>MP06_0212 Modification 1:</p> <ul style="list-style-type: none">• boundary adjustments to the torrens title subdivision (2 lots) (Stage A);• amendments to the subdivision layout (142 residential lots);• re-ordering the lots being released at each stage;• relocation of the entry road, 25m west of the currently approved entrance;• amendments to lot numbering;• amendments to the timing of the stormwater maintenance plan;• updating the bush fire hazard assessment and plan references within the development; and• 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.

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:

Department	Department of Planning & Environment, or successor
OEH	Office of Environment and Heritage
Secretary	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 Condition 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 prior to registration of Stage 1 (**Proposed Lot 927**);
 - 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 8000m² of Swamp Oak Floodplain Forest will also occur over **Lots 18, 63, 64 102 & 157** and **Lots 99, 121 & 122**; and
 - Provision of a pedestrian public access way adjacent the Hastings River Crown Reserve connecting Bengal Street to **Lot 37**.
5. Replace Condition A2(1) dot point 2 and A2 (2) in Schedule 2 with the following:
 - Minor boundary adjustment and re-registration of Lot 91 DP 805549 prior to registration of Stage 1 (**Proposed Lot 927**).

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

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

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. Replace Condition A3 in Schedule 2 with the following:

A3 Project in Accordance with Plans

The Project is to be undertaken generally in accordance with the following drawings:

Landscape Drawings prepared by Rupert G H Milne Home, Landscape Consulting			
Drawing No.	Revision	Name of Plan	Date
2802 – Sheets 1 & 2	A	Landscape Concept Plan	11/02/2009
Survey Drawings prepared by Hopkins Consultants Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
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	2	Proposed Subdivision – Comparison Existing & Proposed Lot Layouts	17/08/12

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.

7. Insert new Condition A4 c) after Condition A4 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.

8. Insert new Condition A8 after Condition 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 condition B1 (1), (2) 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 condition 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.

- (2) 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**;

- (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.

10. Replace Condition B3 (1) in Schedule 2 with the following:

- (1) Prior to the issue of a Construction Certificate for Stage 6 of the Project, the Proponent shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey for the underground diesel fuel tank on proposed **Lot 114**. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by DECCW to issue site audit statements.

11. Replace condition B10 (8) in Schedule 2 with the following:

- (8) Detailed design is to be provided with the Construction Certificate for **Stage 2** for the intersection of the entry road and Sancrox Road. This intersection is to be provided to the standard of an AUSTROADS "Rural Type AUR" intersection as an 'interim' measure that will allow right turn movements.

12. Replace Condition B11 in Schedule 2 with the following:

B11 Voluntary Planning Agreement

Pursuant to section 93I(3) of the Act, the Proponent must enter into a planning agreement prior to the release of the first Construction Certificate in accordance with the terms set out in

the letter of offer dated 2 November 2010 to Port Macquarie Hastings Council **or as later amended through agreement with Port Macquarie Hastings Council and the Proponent.**

13. Insert new Condition B12 after Condition B11 in Schedule 2 as follows:

B12 Bushfire Hazard Assessment

Prior to the issuing of a construction certificate, the Bushfire Hazard Assessment (BHA) prepared by Mid Coast Environmental dated March 2008 shall be updated in accordance with the modified subdivision, staging and access plans (MP06_0212 MOD 1), to the satisfaction of the NSW Rural Fire Service. The recommendations made in the BHA shall be implemented. The agreed BHA report shall be submitted to Council.

14. Replace Condition E3 in Schedule 2 with the following:

E3 Contamination

Prior to the issue of a Subdivision Certificate for **Stage 2** the Proponent shall submit a detailed site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environment Protection Authority to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

15. Replace Condition E4 (4) e. in Schedule 2 with the following:

- e. A positive covenant is to be created over all the 7(h) Environmental Protection – Habitat zoned land under the Hastings Local Environmental Plan 2001 along Haydons Creek and the Bloodwood Open Forest on **Lots 158 – 159**. The covenant is to be in favour of the Minister for Environment and Climate Change and Water and be worded to the satisfaction of the **Office of Environment and Heritage** so as to secure the long-term management of the vegetation contained on the land.

16. In condition E5 in Schedule 2:

- After the word “Stage A”, insert the words “and Stage 1”; and
- After the word “prepared”, insert the words “for the entire project”.

17. Replace Condition E10 (1), (5), (7) and (8) in Schedule 2 with the following:

- (1) Prior to release of a Subdivision Certificate for the first lot in the Community Title Project, a Vegetation Management Plan (VMP) shall be approved by Council. The VMP must include **the E2 and 6(a) zones** and the vegetated land (Turpentine, Bloodwood Open Forest) on proposed **Lots 158 and 159** and on the 20m riparian buffer fronting the 6(a) zoned land adjoining the Hastings River. Biannual milestones are to be created and linked to the stages of the project.
- (5) a rural fence, to Council’s satisfaction, shall be erected around all 7(h) land forming the Riparian Zone to Haydons Creek and incorporate the vegetation on **Lots 140, 158, 159, 162 and 160** and the 6(a) zoned land on Haydons Creek. Appropriate signage informing residents of the environmental management zone shall be erected.
- (7) The APZ and fire trail is to be located on the eastern margin of the existing vegetation for **Lots 158 and 159**.

- (8) Driveway access for Lot 21 is to be provided from the main feeder road. **Lots 70-71** and **74-75** are to have share driveway access respectively and be positioned to minimize the loss and damage to existing trees in the **E2 zone**.