

Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Regional Assessments

Sydney 10 NOVEMBER 2015

SCHEDULE 1

Concept Approval: 06_0318 granted by the Minister for Planning on 19 August 2010

For the following: Concept Plan including:

- Residential development for approximately 4500 dwellings;
- Town Centre and neighbourhood centre for future retail and commercial uses;
- community and educational facilities;
- employment land;
- a gold course;
- open space;
- wildlife corridors;
- protection and rehabilitation of environmentally sensitive land;
- utility services infrastructure;
- water management areas and lake; and
- roads and pedestrian and bicycle paths.

Applicant: Project 28 Pty Ltd

Consent Authority: Minister for Planning

The Land: Kings Forest, Kingscliff

Lots 76, 272, 323 & 326 in DP 755701, Lot 6 DP 875446, Lot 2 DP 819015, Lot 1 DP 706497, Lot 40 DP 7482, Lot 37A DP 13727, Lot 38A DP 13727, Lot 38B DP 13727, Lot 1 DP 129737, Lot 1 DP 781633 and Lot 7 DP 875447, Lot 2 DP 1159231 (closed road), Lot 1 DP 1178256 (closed road) and Lots 1, 2 & 3 DP 1157616 (closed road)

Modification:

MP 06_0318 MOD5: the modification includes:

- amendment to the Kings Forest Development Code, including:
 - a) the inclusion of 'food and drink premises' (with the exception of a 'pub' or 'small bar') within the employment lands land-uses;
 - b) amendment of the definition of 'food and drink premises';
 - c) insertion of a definition for 'small bar';
 - d) amendments to address the requirements of Modification B6; and
- deletion of Modification B6 and amend of Term of Concept Approval A3.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Terms of Concept Approval Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

A3 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- (1) Kings Forest Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants P/L, Volumes 1 and 2, October 2008.

Preferred Project Report Documentation

- (2) Preferred Project Report prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2 and 3, August 2009.

Additional Information

- (3) Amendments to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 5 November 2009.
- (4) Further amendment to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 9 December 2009.
- (5) Finalisation of Flood and Climate Change Impact Assessment Summary prepared by Gilbert and Sutherland P/L, December 18 2009.
- (6) Kings Forest Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants P/L, January 2010.
- (7) Kings Forest Cultural Heritage Management Plan prepared by Everick Heritage Consultants P/L, January 2010.

- (8) Letter from James Warren and Associates to the Department of Planning in relation to clarification regarding heath regeneration/revegetation areas dated 18 March 2010, including Figure 2A Heath Regeneration and Revegetation Areas.
 - (9) ~~Kings Forest Development Code as amended by condition B6~~ Version 1.3 submitted with MP06 0318 MOD 5.
 - (10) Project Application Environmental Assessment Report, Kings Forest Stage 1 Subdivision and Bulk Earthworks (MP08_0194), prepared by JBA Planning dated November 2011.
 - (11) Preferred Project Report, Major Project Application No. 08_0194 Kings Forest, Stage 1 Subdivision and Bulk Earthworks Tweed Shire, prepared by Darryl Anderson Consulting Pty Ltd dated October 2012
- (b) Schedule 2 Part B – Modifications to the Concept Plan is amended by deleting the following Condition B6

~~B6 Kings Forest Development Code~~

~~The Kings Forest Development Code dated 2012 submitted with the proponent's PPR dated October 2012 is modified as follows:~~

- ~~1) Part A, Schedule 1

 - ~~a. Part 2.1.15 is amended to be consistent with Clause 4A.1 of SEPP (Exempt and Complying Development Codes) 2008~~
 - ~~b. Part 2.1.72 is amended to be consistent with clause 2.70 of SEPP (Exempt and Complying Development Codes) 2008 2)~~~~
- ~~2) Part A, Schedule 2

 - ~~a. Part 2.2.1(ac) is amended to be consistent with clause 3.36B of SEPP (Exempt and Complying Development Codes) 2008 3)~~~~
- ~~3) Part B, Section 5.4

 - ~~a. Control 10 - The addition of the words "or public footway" is not approved 4)~~~~
- ~~4) Part B Section 5.6

 - ~~a. Control 1(a) - The deletion of Control 1(a) is not approved~~
 - ~~b. Control 1(b) - Delete Control 1(b) and replaced with new Control 1(b) as follows:~~
 - ~~(b) A notation that development on the dwellings/buildings adjacent to Asset Protection Zones is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas~~
 - ~~c. Control 1(j) - The deletion of the words "dwellings per lot" is not approved. Immediately after the words "dwellings per lot" in Control 1(j), insert the words "and bedrooms per dwelling"~~~~

~~The revised Development Code is to be submitted to the satisfaction of the Director-General within 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth Environment Protection and Biodiversity Conservation Act or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project whichever occurs first.~~

End of Modification