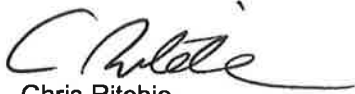


Notice of Modification

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 Concept Plan referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

15 JULY

2016

SCHEDULE 1

Application No.:	10_0103 MOD 1
Applicant:	Eric Norman Developments Pty Ltd, Eastland Constructions Pty Ltd, Machro Pty Ltd and Shannon Pacific Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, Steve Eagleton Drive, South West Rocks, Kempsey local government area
Development:	Residential subdivision, comprising: <ul style="list-style-type: none">• 138 residential lots;• on-site and off-site biodiversity offsetting (biobanking);• active open space;• road network continuation of Trevor Judd Avenue;• road network connections to Steve Eagleton Drive and Keith Andrews Avenue; and• internal road network.

SCHEDULE 2

1. In Schedule 1, Part B – Definitions, delete all references to 'Director-General', 'Department of Planning and Infrastructure' and 'Jaclesta Pty Ltd' and replace them with 'Secretary', 'Department of Planning and Environment' and 'Eastland Constructions Pty Ltd' respectively.
2. In Schedule 1, Part B – Definitions, delete the current definition for Phase 1 and replace it with the following:

Phase 1 means lots numbered 63 to 75 inclusive (total 13 lots) and the Biobank Lot 801/800 as shown in drawing 102457-18 Revision E *Proposed layout over Lots 31 and 223 on DP 574386, Lot 57 on DP 111387 and certain Crown Land, South West Rocks*, prepared by RPS and dated 20 August 2015.

3. In Schedule 1, Part B – Definitions, delete the current definition for Phase 2 and replace it with the following:

Phase 2 means lots other than the Phase 1 lots.

4. In Schedule 2, Term A1, replace the words "approximately 137" and replace them with "138".
5. In Schedule 2, Term A2, delete the current table and replace it with the following table:

Concept Plan Drawings Prepared by RPS			
Drawing No.	Revision	Name of Plan	Date
102457-20	E	Proposed layout over lots 31 & 223 on DP 754396, Lot 57 on DP 1117398 and certain Crown Land, South West Rocks	20 August 2015
102457-18	E	Proposed layout over lots 31 & 223 on DP 754396, Lot 57 on DP 1117398 and certain Crown Land, South West Rocks	20 August 2015
-	-	Potential Pedestrian Movement	Date stamped 17 March 2016

6. In Schedule 2, Term A3, insert the following new requirements immediately after A3 2):
 - 3) *S. 75W Modification Application 'Settlers Ridge' South West Rocks: Modification Application in relation to Concept Approval 10_0103*, prepared by Planners North and dated October 2014;
 - 4) *S. 75H Response to Submissions Report: Settlers Ridge South West Rocks: Modification Application in relation to Concept Approval 10_0103*, prepared by Planners North and dated 27 October 2015;
 - 5) The letter titled *Modification of Concept Approval 10_0103, South West Rocks*, prepared by Planners North and dated 14 March 2016; and
 - 6) *Settlers Ridge South West Rocks: Modification Application in relation to Concept Approval 10_0103* prepared by Planners North, dated 17 March 2016.
7. In Schedule 2, delete Term A5 in its entirety and replace it with the following:

A5 Limits of Approval

- 1) This Concept Plan approval shall lapse five years after the date of this Concept Plan approval, unless works the subject of any related application are commenced, on or before the lapse date.
- 2) To avoid any doubt, this approval does not permit the construction of any component of the Concept Plan (including any clearing of vegetation), which will be subject to separate approval(s).
- 3) Prior to the commencement of works within Phase 1, the Proponent shall provide evidence to the satisfaction of the Secretary confirming it has secured 116 ecosystem credits and 31 Brush-tailed Phascogale species credits in accordance with the

BioBanking credit report prepared by Peter Parker (April 2014), to offset the removal of native vegetation for Phase 1 of the development; and

- 4) Prior to the commencement of works within Phase 2, the Proponent shall provide evidence to the satisfaction of the Secretary confirming it has secured 1041 ecosystem credits and 279 Brush-tailed Phascogale species in accordance with the BioBanking credit report prepared by Peter Parker (April 2014), to offset the removal of native vegetation for Phase 2 of the development.
8. In Schedule 2, Part B, delete Term B1 in its entirety.
 9. In Schedule 2, Part B, delete Term B2 in its entirety and replace it with the following:

B2 Bushfire Management

Future development applications for the staged release of the following residential lots shall include the building envelopes as depicted on drawing 102457-20 Revision E *Proposed layout over lots 31 & 223 on DP 754396, Lot 57 on DP 1117398 and certain Crown Land, South West Rocks* prepared by RPS and dated 20 August 2015 (including building envelopes):

 - 1) Lots A, 3, 4, 55, 56, 75, 76, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 127, 128, 129, 130, 131, 133, 134, 135, 136, 137 and 138.
 10. In Schedule 2, Part B, delete Term B3 in its entirety.
 11. In Schedule 2, Part C, delete Term C2 in its entirety and replace it with the following:

C2 Bushfire Management

The proposed Fire Trail is to be constructed and dedicated to Kempsey Shire Council for management and maintenance prior to issuing of a subdivision certificate for the following lots: Lots 3, 4, 54, 55, 56, 117, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and 138.
 12. In Schedule 2, Part C, delete Term C3 in its entirety.
 13. In Schedule 2, Part C, delete Term C4 in its entirety and replace it with the following:

C4 Bushfire Management - Asset Protection Zones

All future development application(s) must include details (including drawings/plans) outlining the location of APZs, as depicted on drawing 102457-20 Revision E *Proposed layout over lots 31 & 223 on DP 754396, Lot 57 on DP 1117398 and certain Crown Land, South West Rocks* prepared by RPS and dated 20 August 2015. All APZs must be clearly identified and all affected lots will be required to be encumbered to this effect with a Section 88B instrument under the *Conveyancing Act 1919*.
 14. In Schedule 2, Part C, delete Term C6 in its entirety and replace it with the following:

C6 Access Arrangements

For any future development application(s) involving the creation Lots 33 to 47 inclusive, the proponent is to demonstrate the following Restrictions as to Users under Section 88B of the *Conveyancing Act 1919* can be applied:

 - 1) Restriction as to User burdening Lots 33 to 47 inclusive: prohibiting direct vehicle access to Gregory Street.
 - 2) Restriction as to User burdening Lot 38: prohibiting direct vehicle access to Gregory Street and Keith Andrews Avenue.
 - 3) Restriction as to User burdening Lots 39 to 47 inclusive: prohibiting direct vehicle access to Keith Andrews Avenue.
 15. In Schedule 2, Part C, Term C7, delete the words "Lots 46 to 54" and replace them with the words "Lots 33 to 41".

16. In Schedule 2, Part C, delete Term C12 in its entirety and replace it with the following:

C12 Aboriginal Cultural Heritage Item

Development must be carried out in accordance with the *Aboriginal Cultural Heritage Management Plan* prepared by RPS and dated 2 December 2015.

17. In Schedule 2, Part C, delete Term C13 and replace it with the following:

C13 Public Open Space

The first development application lodged with Council for subdivision works must:

- 1) Identify the timing for the embellishment and dedication Lot 900 to Council free of cost for open space purposes; and
- 2) Ensure all public open space is provided with appropriate connections to existing pedestrian and cycle networks in the locality.

18. In Schedule 3, delete the Statement of Commitments in their entirety and replace with the Statement of Commitments submitted in *Settlers Ridge South West Rocks Modification Application in relation to Concept Approval 10_0103* prepared by Planners North, dated 17 March 2016.

END OF MP 10_0103 MOD 1
