

# Modification of Concept Approval

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

As delegate of the Minister for Planning, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin  
**Director**  
**Regional Assessments**

Sydney

7 MAY

2019

### SCHEDULE 1

<b>Concept Approval:</b>	MP 10_0103
<b>Proponent:</b>	Eric Norman Developments Pty Ltd, Voyee Pty Ltd, Machro Pty Ltd and Supaeast Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>The Land:</b>	Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, Steve Eagleton Drive, South West Rocks, Kempsey local government area
<b>Concept Plan:</b>	Residential subdivision, comprising: <ul style="list-style-type: none"><li>• 138 residential lots;</li><li>• on-site and off-site biodiversity offsetting (biobanking)</li><li>• active open space;</li><li>• road network continuation of Trevor Judd Avenue;</li><li>• road network connections to Steve Eagleton Drive and Keith Andrews Avenue; and</li><li>• internal road network.</li></ul>
<b>Modification:</b>	<b>MP 10_0103 MOD 3:</b> the modification includes changes to Condition A5 to reduce the number of ecosystem and species credits required to be secured for Phases 1 and 2 of the development, and to apportion the number ecosystem and species credits required between the various landowners.

## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2, Part A, Condition A5 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

### **A5 Limits of Approval**

- 1) This Concept Plan approval shall lapse on 25 July 2020, 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 90 ecosystem credits and 27 Brush-tailed Phascogale species credits in accordance with the BioBanking credit report prepared by **GHD (March, 2017 April, 2019)**, and the credit profiles listed in the 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 each separate stage** in Phase 2, the **relevant** Proponent shall provide evidence to the satisfaction of the Secretary confirming it has secured 966 ecosystem credits and 283 Brush-tailed Phascogale species credits **as per the following:**
  - **Phase 2 Stage 1 (within part Lot 31 DP754396) – Voyee Pty Ltd and Supaeast Pty Ltd requires 166 ecosystem credits and 49 Brush-tailed Phascogale species credits**
  - **Phase 2 Stage 2 (within part Lot 31 DP754396 and crown road reserve)– Voyee Pty Ltd and Supaeast Pty Ltd requires 89 ecosystem credits and 26 Brush-tailed Phascogale species credits**
  - **Phase 2 (within part Lot 57 DP1117398 and part Lot 31 DP754396)– Eric Norman Developments Pty Ltd requires 295 ecosystem credits and 87 Brush-tailed Phascogale species credits**
  - **Phase 2 (Lot 223 DP754396 – Machro Pty Ltd requires 204 ecosystem credits and 60 Brush-tailed Phascogale species credits**

**The credits shall be secured** in accordance with the Biobanking credit report prepared by GHD (March 2017 **April, 2019**), and the credit profiles listed in the credit report prepared by Peter Parker (April 2014) to offset the removal of native vegetation for Phase 2 of the development.

### **End of Modification**