

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 261-06-2003
(FILE NO. S03/02048)
2 LOT RURAL RESIDENTIAL SUBDIVISION

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No 71 – Coastal Protection, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To minimise and mitigate potential environmental impacts from the development;
- (2) To ensure development is carried out in accordance the provisions of State Environmental Planning Policy 71 – Coastal Protection and the Great Lakes Local Environmental Plan, 1996; and
- (3) To ensure that development is consistent with the assessment of the subject development application.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2003

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The reasons for the imposition of conditions are:

- (4) To minimise and mitigate potential environmental impacts from the development;
- (5) To ensure development is carried out in accordance the provisions of State Environmental Planning Policy 71 – Coastal Protection and the Great Lakes Local Environmental Plan, 1996; and
- (6) To ensure that development is consistent with the assessment of the subject development application.

Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2003

SCHEDULE 1 –THE DEVELOPMENT**PART A—TABLE**

Application made by:	David F & Berenice E Cook PO Box 117, Pacific Palms NSW 2428
Application made to:	Minister for Infrastructure and Planning
Development Application:	261-06-2003
On land comprising:	Lot 11 DP 848595 98 Coomba Road, Pacific Palms
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	N/A
Type of development:	State Significant Development Integrated Development
S.119 Public inquiry held:	No
BCA building class:	N/A
Approval Body / Bodies:	Rural Fire Service
Determination made on:	
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations or a condition in Schedule 2, or ▪ the development has substantially commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 261-06-2003.**Responsibility for other approvals / agreements**

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Deputy Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The levies were imposed in accordance with the Great Lakes Wide Section 94 Contributions Plan adopted by Great Lakes Council on 14 December 1999, the Coomba Road/Shallow Bay Road Section 94 Contributions Plan adopted by Great Lakes Council and Divisions 6 of the Act. The Contribution Plan may be inspected at Great Lakes Council during normal business hours.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part E of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means David F & Berenice E Cook or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Great Lakes Council

DA No. 261-06-2003 means the development application and supporting documentation submitted by the applicant on 11 June 2003.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

Subject site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader, Urban Assessments branch (or its successors) within the Department.

SCHEDULE 2 –**THE CONDITIONS OF CONSENT (INCLUDING ADVISORY NOTES)****DEVELOPMENT APPLICATION NO. 261-06-2003****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) 2 lot subdivision of Lot 11 DP 848595 creating proposed lots 1 and 2, each being one hectare.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number 261-06-2003 submitted by the applicant on 11 June 2003, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects dated 6 June 2003;	
On-Site Domestic Wastewater Management Report prepared by Rosewood Environmental Services Pty Ltd dated 25 September 2003; and	
Subdivision Drawing, as described below.	
Drawing No.	Name of Plan
Attachment 'A'	Proposed 2 lot subdivision of Lot 11 DP848595 98 Coomba Road Pacific Palms

A3 Subdivision Certificate

An application under Part 4A of the Act shall be submitted to the consent authority along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

A4 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

There are no conditions in respect of this part.

PART C—PRIOR TO COMMENCEMENT OF WORKS

There are no conditions in respect of this part.

PART D—DURING CONSTRUCTION

There are no conditions in respect of this part.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE***E1 Easements***

Creation of the necessary right(s) of carriageway to allow access to proposed lot 1 over proposed lot 2, as indicated on the approved plan. Alternatively, provide plans that demonstrate individual access to proposed lots 1 and 2.

E2 Restrictions on Title

Creation of the following restrictions on title pursuant to the Conveyancing Act 1919:

1. That any future dwelling is to be constructed within the building envelope nominated on the approved plan; and
2. That septic effluent disposal is to be generally in accordance with the On-Site Domestic Wastewater Management Report prepared by Rosewood Environmental Services Pty Ltd dated 25 September 2003.

E3 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

1. Amount of Contribution

Contribution Category	Rate of Contribution	Amount
Coomba Road Upgrade	\$6,939 per additional lot	\$6,939.00
Library stock	\$39.94 per person *	\$111.83
Library Facilities	\$243.56per person *	\$681.97
Fire Fighting - Coastal	\$480.23 per person *	\$1,344.64
S 94 Administration	\$10.69 per person *	\$29.93
S 94 Preparation	\$0.35 per person *	\$0.98
TOTAL		\$9108.35

* Note: The Great Lakes Contribution Plan identifies 2.8 persons per additional lot created.

2. Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Great Lakes Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Great Lakes Council

Evidence of the payment to Great Lakes Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

3. Indexing

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect you should consult with Great Lakes Council prior to the payment of the contribution.

E4 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Country Energy, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted with the Subdivision Certificate Application.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

There are no conditions in respect of this part.

PART G—POST OCCUPATION

There are no conditions in respect of this part.

PART H—GENERAL TERMS

There are no conditions in respect of this part.

ADVISORY NOTES

AN1 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN2 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN3 Street Numbering

If street numbers, or a change to street numbers, are required, a separate application shall be made to Council.

AN4 Bush Fire Safety Authority

The NSW Rural Fire Service has issued a response to the proposed development, a copy of which is attached to this consent. That response is deemed to be the Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997.

AN5 Effluent Disposal

Any future development on the lots created may require the prior approval of Council. A separate application is also to be submitted to Council for installation of an on-site sewage management system. This application is to be made in accordance with the provisions of Council's Effluent Disposal Policy.