

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**DETERMINATION OF DEVELOPMENT APPLICATION NO. 360-08-2003
FILE NO. S03/02363 Pt 1**

SUBDIVISION OF LAND INTO TWO LOTS

LOT 3 DP264585, FLYING FOX ROAD, NAROOMA

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

The reason for the imposition of the conditions is to:

- i. Protect the coastal environment and amenity of the locality;
- ii. Ensure the subdivision of land is compatible with existing effluent systems and with existing and surrounding development; and
- iii. Create a high quality living environment.

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

Sydney

2003

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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

APPLICATION MADE BY: John McKee
PO Box 256
BEGA NSW 2550

TO: The Minister for Infrastructure and
Planning

DEVELOPMENT APPLICATION: DA 360-08-2003

IN RESPECT OF: Lot 3 DP 264585 Flying Fox Road,
South Narooma

FOR THE CARRYING OUT OF: Subdivide land into two torrens title
lots.

**NOTES RELATING TO THE MINISTER'S DETERMINATION OF
DEVELOPMENT APPLICATION No. 360-08-2003**

To ascertain the date upon which the consent becomes effective refer to section 83 of the Act.

To ascertain the date upon which the consent is liable to lapse refer to section 95 of the Act.

Section 97 of the Act confers upon an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

The applicant should ensure that all additional consents and agreements are obtained from other authorities, as relevant.

All reference to:

1. the consent authority means the Minister for Infrastructure and Planning;
2. the Council means Eurobodalla Shire Council;
3. the applicant means John McKee.

Any advice or notice to the consent authority shall be served on the Deputy Director-General of the Department of Infrastructure, Planning and Natural Resources.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 360-08-2003

GENERAL

1. The plan of subdivision shall conform with Development Application No 360-08-2003; the Statement of Environmental Effects prepared by Keeplan Planning & Development Services, with respect to the size and shape of allotments and proposed roads, reserves and easements; the Waste Water Management report by Geoff Metzler and Associates (dated 15/11/02) with respect to location and type of effluent disposal system and disposal areas; and the bushfire assessment report by GeoSpatial Integrity (dated 26/9/02).

Note: The selection of the house site on the newly created lot and proposed earthworks must be finalised and approved by Council prior to commencing any bulk earthworks. The selection of the house site and the effluent disposal area should be considered simultaneously in order to achieve conditions which will not lead to erosion or degradation of the development location. In this regard, the effluent disposal area is not to be located with a flood prone area.

EASEMENTS

2. The plan of survey subject of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed by Council free of all costs to Council.

SERVICES

3. Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Country Energy (Moruya Design & Quotations – ph. (02) 4474 1723) that:

- (i) All relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting (where applicable), headworks contributions, payments for extension of supply and creation of easements;

OR THAT

- (ii) Electricity will not be available to the land.
4. Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra that arrangements have been made for telecommunications cabling to all lots.

5. At the time of issue of a Subdivision Certificate the applicant shall pay Council contributions per additional lot at the rate current at the time of payment under Section 94 of the Environmental Planning and Assessment Act, applies to this subdivision in relation to the following:

Currently

(i)	Open Space.....	\$298.75
(ii)	Community Facilities.....	\$336.65
(iii)	Cycleway & Pedestrian Facilities.....	\$48.40
(iv)	Waste Disposal.....	\$90.50
(v)	Roads (Arterial/Local).....	\$729.00
(vi)	Administration.....	\$73.50

Note: The money payable under this contribution will be held in separate trust funds for each category and utilised by Council to upgrade services. The applicant is advised to contact Council prior to payment to ascertain the rate of contribution as such rates are revised at least annually.

6. Prior to issue of a Subdivision Certificate the applicant shall construct access to each lot in accordance with sound engineering practice.

SUBDIVISION CERTIFICATE

7. A separate subdivision application shall be submitted to the Department for assessment.
8. The applicant shall submit 10 copies of the plan of survey to Council for their record prior to the issue of a Subdivision Certificate.
9. A Subdivision Certificate must be issued prior to lodgement of the Final Plans of Survey with the Land Titles Office.

Note: The plan of survey required by Land and Property NSW (LPI) must be certified by the Department. Issue of a Subdivision Certificate (refer Section 109(1)(d) of the Act incorporates that certification. On issue of the Certificate it is the applicant's responsibility to lodge the plan with LPI.

BUSHFIRE SAFETY

10. A Bushfire Safety Authority, as required by section 100B of the Rural Fires Act 1997, has been granted by the NSW Rural Fire Service subject to the adoption of the recommendations within the report by GeoSpatial Integrity. A copy of the Bushfire Safety Authority is attached for the applicant's records.