

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 432-10-2003
(FILE NO. S03/02880 PT 1)
BOUNDARY ADJUSTMENT

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10(2) 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 ensure the orderly development of the coastal zone

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**PART A—TABLE**

Application made by:	Bob Lander of Tattersall Surveyors Pty Ltd 2 Bourke Street Raymond Terrace NSW 2324
Application made to:	Minister for Infrastructure and Planning
Development Application:	432-10-2003
On land comprising:	Lot 8790 DP 15241 and Lot 878 DP 9938 12 The Esplanade, North Arm Cove
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	nil
Type of development:	Integrated Development
S.119 Public inquiry held:	No
BCA building class:	
Approval Body / Bodies:	Rural Fire Service
Determination made on:	
Determination:	A 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. 432-10-2003***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:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

Legal notices

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

PART C—DEFINITIONS

In this consent,

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

Applicant means Bob Lander of Tattersall Surveyors Pty Ltd or any party acting upon this consent.

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

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

Council means Great Lakes Council

DA No. 432-10-2003 means the development application and supporting documentation submitted by the applicant on 3 October 2003

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

Director means the Director of the Urban Assessments (or its successors) within the Department.

Minister means the Minister for Infrastructure and Planning.

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.

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 432-10-2003

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

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

- (1) Boundary adjustment

A2 *Development in Accordance with Plans*

The development shall be generally in accordance with development application number 432-10-2003 submitted by the applicant on 3 October 2003 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects prepared by Tattersalls Surveyors dated September 2003			
Survey Drawings prepared by Tattersalls Surveyors			
Drawing No.	Revision	Name of Plan	Date
203461/1	-	Proposed Boundary Adjustment	05/09/2003

A3 *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 SUBDIVISION CERTIFICATE***Subdivision Works******B1 Stormwater and Drainage Works Design***

Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Great Lakes Council shall be submitted to the Certifying Authority prior to issue of a Subdivision Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

Compliance***B2 Compliance Report***

Prior to the issue of a Subdivision Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

On –site effluent disposal***B3***

A Geotechnical Report shall be prepared by a suitably qualified person that identifies the suitability of the site for the disposal of effluent. The report shall also identify those areas deemed to be unsuited for the disposal of effluent. A copy of the report is to be submitted to the consent authority and Great Lakes Council prior to the issue of a subdivision certificate

PART H—GENERAL TERMS

Rural Fire Service

H1 Construction

- (1) Construction of proposed structures should comply with As3959 – 1999 level 3 “Construction of Buildings in bushfire prone area”.
- (2) Inclusion of ‘leafless guttering’ or other mechanical means to be installed on the structure to prevent the build up of flammable material within the gutters.

H2 Asset Protection Zones

- (3) The entire property shall be managed as an ‘Inner Protection Area’ as outlined within section 4.2.2 in *Planning for Bushfire Protection 2001*.
- (4) Trees within the IPA shall not form a continuous canopy (there must be a minimum 2m separation between tree canopies) and no part of the tree to overhang within 5 metres of any building.
- (5) Cypress tree types are not to be planted within the ‘Inner Protection Area’.

H3 Access

- (6) Access is to comply with section 4.3.2 *Planning for Bushfire Protection 2001*.

H4 Other Bush Fire Protection Measures

- (7) All fencing should be a non-combustible type of material.
- (8) A tank with a capacity of at least 10 000 litres for a dedicated fire fighting supply shall be provided for each dwelling. A 65mm or 38mm Storz fitting and ball or gate valve shall be installed in each tank.

H5 Other Issues

- (9) Any future development application lodged for this subdivision under section 78BA of the *Environmental Planning and Assessment Act 1979* shall comply with Planning for Bushfire Protection.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the consent authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the consent authority before the release of the subdivision certificate, and

- (3) the principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, 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 to the satisfaction of the PCA prior to the issue of the Subdivision Certificate.

AN3 Application under Part 4A of the Act

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.

AN4 Other Details Required prior to Issue of Subdivision Certificate

The applicant shall submit to the satisfaction of the consent authority, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- (2) An Occupation Certificate, and
- (3) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 432-10-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent.

AN5 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's policy, prior to the occupation of the building(s) or commencement of the use.

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