

DETERMINATION OF DEVELOPMENT APPLICATION NO. 108-5-2004

(FILE NO. S04/01090 PART 1)

CONSOLIDATION AND RE-SUBDIVISION OF 4 LOTS TO 3 LOTS

I, Sam Haddad, Deputy-Director General, Office of Sustainable Development, Assessments and Approvals, as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005, and pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No. 71, 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 development proceeds in accordance with approved plans;
- (2) To ensure development satisfies the relevant statutory requirements;
- (3) To ensure that measures are implemented to manage environmental and social impacts that may arise from the development;
- (4) To minimise the potential risks associated with bushfire hazards;
- (5) To ensure lots are adequately serviced; and
- (6) To ensure public utility services, access and restrictions are legalised over the land.

Sam Haddad
**Office of Sustainable Development,
Assessments and Approvals**

SCHEDULE 1

PART A—TABLE

Application made by:	Doug Sneddon Planning P/L Lot 71 Excelsior Street Lisarow, NSW 2250
Application made to:	Minister for Planning
Development Application:	No. 108-5-2004
On land comprising:	Lot 1 DP 722686; Lot 11 DP 740282; Lot 23 DP 236679 and Lot 168 DP 753168 The Lakes Way, Pacific Palms
For the carrying out of:	Consolidation and Re-subdivision of 4 lots to 3
Estimated Cost of Works	N/A - subdivision
Type of development:	State Significant Development; Integrated Development
S.119 Public inquiry held:	No
BCA building class:	N/A
Approval Body / Bodies:	NSW 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 formal notification letter accompanying the Determination.
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 physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 108-5-2004

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 Director-General.

PART C—DEFINITIONS

In this consent,

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

Applicant means Doug Sneddon Planning P/L 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. 108-5-2004 means the development application and supporting documentation submitted by the applicant on 7 May 2004.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

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

Regulation means the *Environmental Planning and Assessment Regulation, 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. 108-5-2004****PART A—ADMINISTRATIVE CONDITIONS****A1 *Development Description***

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

- (1) Consolidation and re-subdivision of 4 lots to 3 lots of Lot 1 DP 722686; Lot 11 DP 740282; Lot 23 DP 236679 and Lot 168 DP 753168 The Lakes Way, Pacific Palms

A2 *Development in Accordance with Plans*

The development shall be in accordance with development application number 108-5-2004 submitted by the applicant on 7 May 2004, and in accordance with the following:

Statement of Environmental Effects entitled Statement of Environmental Effects: Proposed Consolidation and re-subdivision Lot 1 DP 722686; Lot 11 DP 740282; Lot 23 DP 236679 and Lot 168 DP 753168 The Lakes Way, Pacific Palms (Great Lakes Council) prepared by for Blueys Estate Pty Ltd by Doug Sneddon Planning Pty Ltd dated 30 th April 2004.			
Proposed Subdivision Plan prepared by Rennie Golledge Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
File 102.03 Sheet GL747b	-	Proposed Subdivision of Lot 168 DP 753168, Lot 23 DP 236679, Lot 1 DP 722686 & Lot 11 DP 740282 -The Lakes Way - Pacific Palms	6 October 2003

A3 *Prescribed Conditions*

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

A4 *Application for Subdivision Certificate*

Prior to the lodgement of the plan of subdivision for registration under Division 3 of Part 23 of the Conveyancing Act 1919, a Subdivision Certificate is to be obtained in accordance with Section 109D (1)(d) of the Act.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

There are no conditions of consent relevant to this section.

PART C—PRIOR TO COMMENCEMENT OF WORKS

There are no conditions of consent relevant to this section.

PART D—DURING CONSTRUCTION

There are no conditions of consent relevant to this section.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE***E1 Plan of survey***

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.

E2 Registration of Easements

Prior to the issue of a Subdivision Certificate, the applicant shall provide to the PCA evidence that any easements and restrictive covenants required by this consent, approvals, and other consent have been or will be registered on the certificates of title. Great Lakes Council shall be nominated on the Restriction as to User as the sole party to vary, modify or extinguish the Section 88B Instrument.

E3 Right-of-Way

A right-of-way shall be transferred, burdening on proposed Lot 112 and benefiting proposed Lot 111. The easement shall be created under Section 88B Instrument of the Conveyancing Act 1919 and submitted with the Subdivision Certificate for registration.

E4 Road Construction

The existing vehicular accesses to the right-of-way shall be sealed and constructed to Council's standard prior to the issue of a Subdivision Certificate. Details are to be submitted for the approval of the Director of Engineering Services, Great Lakes Council prior to works commencing.

Infrastructure***E5 Country Energy***

Prior to issue of a Subdivision Certificate the applicant shall provide to the issuing authority written confirmation from Country Energy 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.

E6 Telstra

Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra that arrangements have been made for telecommunication cabling to all lots, to ensure that the interests and responsibilities of Telstra, Council and future owners with regard to timely supply of telecommunication cabling are satisfied. The applicant shall contact:

REED Telstra – NSW New Estates Construction Research

e-mail telstra@conres.com.au

PO Box Locked Bag 755, Chatswood West NSW 2076

Telephone Free Call 1800 180 118 or Sydney 9935-5410

Fax 1300 550 286

Internet www.telstra@rcd.com.au

E7 MidCoast Water

- (i) The current amount of water and sewerage development charges are:

Total lots created @1ET per lot	4 ET
Allowance for existing lots	4 ET
Total	0 ET
Water Development Charge	\$0
Assessment fees (up to 4 lots)	\$120.00
Acceptance fees (up to 4 lots)	\$136.00

Note: Development charge rates are reviewed each financial years and new rates become applicable each July 1. The charges are to paid at the rate applicable at the time of payment.

- (ii) A Certificate of Compliance shall be issued by MidCoast Water prior to the release of a Subdivision Certificate, stating that satisfactory arrangements have been made and all payment of water and sewerage development charges and fees have been finalised for the provision of water supply and sewerage to the development. The contribution is based on an additional 0 ET.
- (iii) The submission of a copy of the plans of subdivision, including any Section 88B Instruments, that is suitable for registration by the Land and Property NSW. Any instrument regarding water supply and sewerage shall benefit MidCoast County Council and shall be signed by a duly authorised officer of MidCoast Water prior to submission to the issuing authority.

Subdivision Certificate Application

E8 Requirements

An application for a Subdivision Certificate shall include submission of a plan of survey/DXF file on diskette by a registered surveyor and payment of a plan printing fee.

Reason: The plan of survey required by Land and Property NSW (LPI) must be certified by the issuing authority. 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. A fee applies for the Certificate (currently \$179.90 plus \$25.00 per lot created) and plan printing (currently \$24.40) for provision of copies to Government Departments and sections within Council.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

There are no conditions of consent relevant to this section.

PART G—POST OCCUPATION

There are no conditions of consent relevant to this section.

PART H—GENERAL TERMS**NSW Rural Fire Service****H1 Asset Protection**

Asset protection zones complying with Planning for Bushfire Protection 2001 for proposed Lot 111 shall be provided in accordance with drawing number GL747b prepared by Rennie Golledge Pty Ltd dated 6 October 2003.

H2 The existing dwelling shall be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with non-corrosive metal screen. This includes any sub-floor areas, where applicable, and eaves.

ADVISORY NOTES**AN1 Details Required prior to Issue of Subdivision Certificate**

The applicant shall submit to the satisfaction of the issuing authority documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 108-5-2004 and of compliance with the conditions of that consent.

AN2 Bushfire Protection

The NSW Rural Fire Service has issued a Bush Fire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997. The Bush Fire Safety Authority, dated 21 October 2004, is subject to the conditions outlined within Part H of this Notice of Determination.