

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**MODIFICATION (MOD 7-1-2006)
OF DEVELOPMENT CONSENT (DA 288-11-2004)**

SUBDIVISION INTO TWO LOTS OF LOT 2 DP 573249 HUNTER CLOSE, SAPPHIRE

**PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

(FILE NO. 9041612)

I, Chris Wilson, Acting Deputy Director General, Office of Sustainable Development Assessment Approvals, as delegate of the Minister for Planning, under Instrument of Delegation dated 12 September 2005, pursuant to Section 96 (1) of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure that safe and adequate access is provided to the two lots.
- (2) To maintain the environment of the local area.

Chris Wilson

Acting Deputy Director General, Office of Sustainable Development Assessment and Approvals

Sydney,

2006

SCHEDULE 1

PART A —TABLE

Application Number:	MOD 7-1-2006 modifying DA 288-11-2004
Application made by:	Newnham, Karl Weir and Partners 5 Murdoch Street COFFS HARBOUR 2450
On land comprising:	Lots 2 DP 573249 Hunter Close, Sapphire
Local Government Area	Coffs Harbour City Council
For the carrying out of:	Subdivision of an existing lot into two lots.
Section 96 (1) Application	MOD 7-1-2006 to modify DA 288-11-2004 in the following manner: ▪ Amend conditions E5 and E6 to reflect new access arrangements.
Development consent granted by:	Minister for Planning
On:	12 October 2005
Type of development:	State Significant Development Integrated Development
S.119 public inquiry held:	No
As modified:	MOD 7-1-2006 under Section 96(1A) of the Act on

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 7-1-2006

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 available within **3** 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.

SCHEDULE 2**MODIFICATION (MOD 7-1-2006) OF DEVELOPMENT CONSENT TO
DEVELOPMENT APPLICATION NO. DA 288-11-2004**

The development consent is modified as follows:

PART E—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. **Amend** Condition E5 to read:

E5 Access and Services

Access from Hunter Close to proposed Lots 1 and 2 is to be of asphalt construction to the standard set out in the Korora Rural Residential Development Control Plan. The driveway entrance at Hunter Close to proposed Lot 2 is to be reconstructed and the adjoining batter to be cut back and landscaped to provide a minimum 40 metre sight distance for both directions. These works are to be completed OR other satisfactory arrangements for their completion are to be made with Council prior to the issue of a Subdivision Certificate.

This condition can be satisfied by the provision of legal access from Hunter Close to proposed Lots 1 and 2 via the existing right of carriageway over Lot 2 DP 1034380 being No. 35 Hunter Close, provided that access to proposed Lots 1 and 2 from the end of the construction in the existing right of carriageway is of asphalt construction to the standard set out in the Korora Rural Residential Development Control Plan and these works are completed OR other satisfactory arrangements for their completion are made with Council prior to the issue of a Subdivision Certificate.

2. **Delete** condition E6