

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010 (confirmed 28 May 2011), I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Director  
Metropolitan and Regional Projects South

Sydney **15 SEPTEMBER** 2011

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### SCHEDULE 1

|                             |                                                                                                                                                                                                                                                                                        |
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| <b>Development Consent:</b> | DA311-12-2004 granted by the delegate of the Minister for Planning on 15 October 2005.                                                                                                                                                                                                 |
| <b>For the following:</b>   | Four lot rural subdivision and one residue lot, Tathra-Bermagui Road, Murrah.                                                                                                                                                                                                          |
| <b>Modification:</b>        | <p>DA311-12-2004 MOD 1 Modification application dated 6 July 2011 concerning the following proposed modifications:</p> <p>Schedule 1, Part A – Table - to correct the description of the land to which the application relates; and</p> <p>Condition B2(g) - delete the condition.</p> |

## SCHEDULE 1

### ***PART A—TABLE***

|                                         |                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application made by:</b>             | Michael Collins, Caddey Searl & Jarman, 10 Canning Street, BEGA, NSW 2550                                                                                                                                                                                                                          |
| <b>Application made to:</b>             | Minister for Planning                                                                                                                                                                                                                                                                              |
| <b>Development Application:</b>         | DA311-12-2004                                                                                                                                                                                                                                                                                      |
| <b>On land comprising:</b>              | Lot 4 <b>DP565825</b> and <b>Lots</b> 102, 105, 110, 110 and <b>111</b> DP 565825 752153 Tathra-Bermagui Road, <b>Murrah</b> .                                                                                                                                                                     |
| <b>Local Government Area</b>            | Bega Valley Shire Council                                                                                                                                                                                                                                                                          |
| <b>For the carrying out of:</b>         | Four (4) lot rural subdivision and one (1) residue lot. A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2.                                                                                                                                  |
| <b>Estimated Cost of Works</b>          | N/A                                                                                                                                                                                                                                                                                                |
| <b>Type of development:</b>             | State Significant Development<br>Integrated Development                                                                                                                                                                                                                                            |
| <b>S.119 Public inquiry held:</b>       | No                                                                                                                                                                                                                                                                                                 |
| <b>Approval Body / Bodies:</b>          | Rural Fire Service<br>Council                                                                                                                                                                                                                                                                      |
| <b>Determination made on:</b>           | <b>15 SEPTEMBER 2011</b>                                                                                                                                                                                                                                                                           |
| <b>Determination:</b>                   | A development consent is <del>not</del> granted for the reasons <b>subject to the conditions</b> in the attached Schedule 2.                                                                                                                                                                       |
| <b>Date of commencement of consent:</b> | This development consent commences on the date identified in the formal notification letter accompanying the Determination.                                                                                                                                                                        |
| <b>Date consent is liable to lapse</b>  | This consent will lapse 5 years from the date of commencement of consent, unless: <ol style="list-style-type: none"> <li>1) a shorter period of time is specified by the Regulations or</li> <li>2) a condition in Schedule 2, or</li> <li>3) the development has physically commenced.</li> </ol> |

## **SCHEDULE 2**

### **CONDITIONS**

#### ***PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***

Condition B2(g) *Construction works* is deleted.

Modify Condition B2(h) as follows:

- h g) construction of telecommunications cabling and associated facilities to service every lot.

**End of section**

## ***PART E - PRIOR TO SUBDIVISION OR STRATA SUBDIVISION***

Modify Condition E4 as follows:

### ***E4 Services***

Documentary easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created in favour of Nambucca **Bega Valley** Shire Council over the appropriate lots in the subdivision pursuant to Section 88B of the Conveyancing Act 1919.

Add Condition E19 as follows:

### ***E19 Energy supply***

A covenant (or the like) must be recorded on the Certificate of Title for each proposed lot. The covenant must state that the supply of electricity to the lot is the responsibility of the lot owner. Evidence of compliance with this condition is required to be submitted to Council.

**End of section**

## ***PART H – GENERAL TERMS***

***Modify Condition H1 as follows:***

### ***H1 Rural Fire Service***

The proposed road shall comply with the road widths, curve and grade requirements of ~~section 4.3.2 of Planning for Bushfire Protection 2004~~ **2006**.

**End of section**