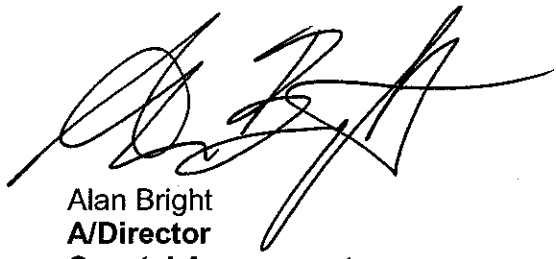


Modification of Minister's Consent

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

I, Alan Bright, Acting Director, Coastal Assessments, as delegate of the Minister for Planning, pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the consent referred to in Schedule 1 in the manner set out in Schedule 2.



Alan Bright
A/Director
Coastal Assessments

Sydney, 23 September 2009

File No. S09/01337
MOD1 DA 462-11-2003

SCHEDULE 1

Development Consent: granted by the former Minister Assisting the former Minister for Infrastructure and Planning on 6 December 2004.

For the following: 2 lot subdivision and development of a caretakers residence and restaurant and tourist information centre at Lot 1 DP Part 876 DP 584667 319 Grassy Head Road, Grassy Head.

Modification: Modification of the development consent to amend the approved caretaker's residence building on Lot 11 DP 1091149 319.

SCHEDULE 2

The development consent is modified by:

- 1) deleting condition 2 to be replaced with new condition 2 as follows:

The development shall be generally in accordance with development application number DA 462-11-2003 submitted by the applicant on 5 November 2003 and Mod 1 462-11-2003 submitted by the applicant on 19 June 2009, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

- Subdivision Plan titled: Proposed Subdivision, Julie and Peter Saravanos Grassy Head, NSW. Prepared by Steve Harpur & Associates, dated 30 July 2003.
- Plan titled: Proposed subdivision of Lot 1 Part Lot 876 DP 584667 into two lots to accommodate a restaurant – tourist information centre and managers residence at 319 Grassy Head Road, Grassy Head for Mr and Mrs P Saravanos. Prepared by Terry Parkhouse Architect, dated August 2003.
- Plan titled: Proposed dwelling (Stage 2 DA 462-11-2003) Lot 11 DP 1091149 Grassy Head Road, Grassy Head for Peter and Julie-Anne Saravanos. Prepared by Paul Smith Building Design, dated 9 June 2009.

2) deleting condition 10 to be replaced with new condition 10 as follows:

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction – Volume 1* (NSW Landcom, March 2004.) Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

3) Inserting new condition 21A as follows:

Prior to construction, a colour scheme schedule outlining the materials and finishes for the dwelling and tourist cabins shall be submitted to Council for approval. The colour scheme shall be sensitive to the surrounding natural environment.

General terms of approval

4) deleting condition 43 to be replaced with new condition 43 as follows:

The property to the east and west of the proposed dwelling for a distance of 40 metres, shall be managed as an Inner Protection Area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

5) deleting condition 44 to be replaced with new condition 44 as follows:

The property to the north and south of the proposed dwelling for a distance of 20 metres, or to the property boundary, shall be managed as an Inner Protection Area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

6) deleting condition 45 to be replaced with new condition 45 as follows:

The property surrounding each proposed tourist cabins for a distance of 80 metres, shall be managed as an Inner Protection Area as outlined within section 4.2.7 Appendix 5 of 'Planning for Bush Fire Protection 2006' and NSW Rural Fire Service's document 'Standards for asset protection zones'.

7) deleting condition 46 to be replaced with new condition 46 as follows:

New construction shall comply with AS 3959 – 1999 'Construction of Buildings in Bushfire Prone Areas' Level 3.

8) deleting condition 47 to be replaced with new condition 47 as follows:

The existing tourist cabins are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.

9) Inserting new condition 48 as follows:

Landscaping to the site is to comply with the principles of Appendix 5 of Planning of Bush Fire Protection 2006.