

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
MODIFICATION (MOD 5-1-2006) OF DEVELOPMENT CONSENT (DA 64-3-2005)

4 LOT RESIDENTIAL SUBDIVISION

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

(FILE NO. 9041816-1)

I, Chris Wilson Acting Executive Director, as delegate of the Minister for Planning, under the Instrument of Delegation dated 5 April 2006, and pursuant to Section 96(1A) 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:

- To adequately describe the subdivision proposed;
- To levy for open space, community services and road upgrades;
- To ensure the proper placement of drainage and other services;
- To maintain the environmental quality of the area during construction works;
and
- To maintain the public interest.

Chris Wilson
Acting Executive Director
Sustainable Development Assessments

Sydney,

2006

SCHEDULE 1

PART A - TABLE

Application Number:	MOD 5-1-2006 modifying DA 64-3-2005
Application made by:	Alan and Lynne Wells 1B Waterfront Road, Swan Bay NSW 2324
On land comprising:	Lots 222 and 223 in DP 862015 Waterfront Road, Swan Bay
Local Government Area	Port Stephens Council
For the carrying out of:	4 lot residential subdivision
Section 96 (1A) Application	MOD 5-1-2006 to modify DA 64-3-2005 in the following manner: ▪ amend condition A1 regarding development description. ▪ amend condition A2 regarding development in accordance with plans
Development consent granted by:	Delegate of the Minister for Planning
On:	23 September 2005
Type of development:	State Significant Development Integrated Development
S.119 public inquiry held:	No
As modified:	Consent not previously modified

PART B - NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 5-1-2006

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 available within the time limit specified within Clause 1, Part 17 of the Land and Environment Court Rules 1996, which is 60 days after the date on which the applicant received this notice, or as otherwise specified under an Act or statutory instrument.

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

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application 64-3-2005.

SCHEDULE 2

MODIFICATION (MOD 5-1-2006) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 64-3-2005

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

Delete Condition A1 and insert Condition A1A:

A1A *Development Description*

1. Subdivision of the existing two lots in 2 stages to create 4 residential lots with the following descriptions and areas:

Stage 1:

- Lot 1 – 4000m², and
- Lot 2 – 8000m², and
- Lot 3 – 5.658 ha (residue lot)

Stage 2:

- Lot 4 – 4000m², and
- Lot 5 – 4000m²,

being the re-subdivision of Lot 2 from within Stage 1 above.

Delete Condition A2 and insert Condition A2A

A2A *Development in Accordance with Plans*

The development shall be generally in accordance with development application number 64-3-2005 submitted by the applicant on 29 March 2005, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled Statement of Environmental Effects for the Subdivision of Lot 222 and 223, DP 862015 Waterfront Road, Swan Bay prepared by Lynnette and Alan Wells, dated 28 January 2005 and as amended by letter dated 8 March 2006			
Survey Drawings prepared by Unknown and Rennie Golledge Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Figure 1	-	Stage 1	6 March 2006
Figure 2	-	Stage 2	6 March 2006
94.029	-	Drainage Design Waterfront and Swan Bay Roads – Swan Bay	28 January 2005

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No modifications to this part.

PART C – PRIOR TO COMMENCEMENT OF WORKS

No modifications to this part.

PART D – DURING CONSTRUCTION

No modifications to this part.

PART E – PRIOR TO ISSUE OF SUBDIVISION OR SUBDIVISION CERTIFICATE

No modifications to this part.

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

No modifications to this part.

PART G – POST OCCUPATION

No modifications to this part.

PART H – GENERAL TERMS

No modifications to this part.