

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

I, Alan Bright, Acting Director, Regional Projects, in accordance with the Instrument of Delegation issued by the Minister for Planning on 25 January 2010, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Alan Bright
Acting Director
Regional Projects
As delegate of the Minister for Planning

Sydney, 7 JUNE 2010

File No. 10/08776/1
06_0195 MOD 1

SCHEDULE 1

Project Approval: Granted by the Director-General as delegate of the Minister for Planning on 24 July 2009.

For the following: A seven lot rural subdivision to create six rural (dwelling) lots and one residue lot (06_0195).

Modification: Modification of Conditions of Approval E4(3)(i)-(iii) and (v) and E5.

SCHEDULE 2

The Approval is modified by:

- 1) Omitting condition E4(3) and replacing it with the following:
The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants (or positive covenant in the case of condition E4(3)(iv)), with the Council as beneficiary and with sole authority to release, vary or modify those covenants. Wherever

possible, the extent of the land affected by bearing and distances shown on the plan of subdivision shall define the following covenants:

- 2) Omitting condition E4(3)(i) and replacing it with the following:
 - i) Prohibiting Lot A, B and F from having direct vehicular access to and from Wallagoot Lane except at the location defined on the plan of subdivision in conformity with the approved plans. The location of the existing vehicular access to Lot F as shown on the approved plans is acceptable.
- 3) Omitting condition E4(3)(ii) and replacing it with the following:
 - ii) Prohibiting the disposal of treated or untreated sewage or septic tank effluent, except within the nominated effluent disposal envelope (that is, outside of the buffers identified on Drawing No. 45613, titled 'Stormwater Management', dated 5 June 2008), as identified on the approved plans, and as per on-site sewage management Option 2 (Secondary treated effluent and absorptive trench/bed) detailed in the *On-site Sewage Management Report*, or as subsequently identified in an updated site assessment to the satisfaction of the Council or the PCA. This condition does not apply to Lot F as it has no nominated effluent disposal envelope on Drawing No. 45613.
- 4) Omitting condition E4(3)(iii) and replacing it with the following:
 - iii) Prohibiting the erection of any dwelling on Lots A, C, D and E except within a building envelope approved by Council.

- ~~5) Omitting condition E4(3)(v) and replacing it with the following:~~
 - iv) Prohibiting the erection of habitable buildings on land which is inundated by a 1:100 year average recurrence interval flood. The limit of the design flood must be defined on the plan of subdivision.
- 6) Omitting condition E5.