



17 August 2009

NSW GOVERNMENT

**Department of Planning**

Our ref: DA 2002-3-77 S96(1A)

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18 AUG 2009

Ms Krystyna Luczak  
**Walker Corporation Pty Ltd**  
GPO Box 4073  
**SYDNEY NSW 2001**

Dear Ms Luczak

**RE: Proposed Modification MOD 3 to Development Application 2002-3-77 – at  
Barlings Beach, Tomakin.**

I refer to the above modification application MOD 3 to modify DA 2002-3-2007 lodged with the Department on 20 April 2009.

I am writing to inform you that the application was approved on 12 August 2009, subject to conditions, by the Acting Director Coastal Assessments, under delegation from the Minister for Planning. The consent is on the basis of the attached Notice of Modification of Development Consent. A copy of the endorsed plans is attached for your information.

Please note the consent operates from the date of this letter.

Should you have any enquiries regarding the above matter, please contact Jane Flanagan on the above details.

Yours sincerely

Alan Bright  
**Acting Director**  
**Coastal Assessments**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**


**MODIFICATION (MOD 3 - 77-3-2002) OF DEVELOPMENT CONSENT (DA 77-3-2002)**

**162 LOT SUBDIVISION; CLEARING OF VEGETATION; FILLING;  
CONSTRUCTION OF ROADS AND ASSOCIATED INFRASTRUCTURE,  
CONSERVATION ZONES AND OPEN SPACE; AND CONSTRUCTION OF A  
BRIDGE.**

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

**(FILE NO. S09/00602)**

I, Alan Bright, Acting Director Coastal Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 4 March 2009, 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.



Alan Bright  
Acting Director  
Coastal Assessments

Sydney, 12 AUGUST 2009

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## SCHEDULE 1

### PART A—TABLE

<b>Application Number:</b>	MOD 3 - 77-3-2002 modifying DA 77-3-2002
<b>Application made by:</b>	Walker Corporation Pty Ltd Level 50, Governor Phillip Tower 1 Farrer Place Sydney NSW 2000
<b>On land comprising:</b>	Lot 2 DP1016146 George Bass Drive, (Barlings Beach), Tomakin
<b>Local Government Area</b>	Eurobodalla
<b>For the carrying out of:</b>	162 lot subdivision, including the clearing of vegetation; filling; construction of roads and associated infrastructure, conservation zones and open space; and construction of a bridge.
<b>Section 96 (1A) Application</b>	MOD 3 - 77-3-2002 to modify DA 77-3-2002 the following manner: <ul style="list-style-type: none"><li>• Modify Condition A1(a) to approve 162 residential lots;</li><li>• Modify Condition A2 to insert revised subdivision plans;</li><li>• Modify Condition E9 to insert revised lot numbers; to change the side (street) setback from 3m to 2m for (revised) Lot Nos.1, 3, 18, 21, 22, 25 and 32; and to modify the corresponding wording relating to those setbacks.</li></ul>
<b>Development consent granted by:</b>	Acting Director Coastal Assessments As Delegate of the Minister for Planning
<b>On:</b>	12 August 2009
<b>Type of development:</b>	Integrated Development
<b>S.119 public inquiry held:</b>	No
<b>As modified:</b>	MOD 49-5-2007 under Section 96(1A) of the Act on 2 August 2007.  MOD 82-10-2007 under Section 96(1A) of the Act on 10 December 2007.

### PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. 77-3-2002

#### 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.

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### ***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 valid, for a development application, within 12 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.

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## SCHEDULE 2

### MODIFICATION (MOD 3 - 77-3-2002) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 77-3-2002

*The development consent is modified as follows:*

#### PART A – ADMINISTRATIVE CONDITIONS

- (a) Modify Condition A1, as follows:

##### **A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- a. Torrens Title subdivision comprising 162 residential lots, integrated housing allotments and 1 allotment to accommodate an Aboriginal Cultural and Retail facility;
- b. clearing vegetation;
- c. filling and earthworks;
- d. provision and construction of roads and associated infrastructure, conservation zones and open space; and
- e. construction of a bridge over the on-site creek in order to link George Bass Drive with the proposed development site.

- (b) Modify Condition A2 by amending the table, and adding a new table, as follows:

##### **A2 Development in Accordance with Plans**

The development shall be generally in accordance with development application 77-03-2002 submitted by the applicant on 22 March 2002, and in accordance with the supporting documentation submitted with that application, including but not limited to, the following:

Architectural (or Design) Drawings prepared by Coomes Consulting Group Pty Ltd			
Drawing Reference No.	Revision	Name of Plan	Date
140374G15	3	Subdivision Layout Plan	30 Sept 2005
150374	4	Preliminary Fill & Drainage Plan	14 Oct 2005
150374G08	2	Preliminary Fill Depths	14 Oct 2005
150374G14	1	Barlings Beach Site Cross Sections	9 Sept 2005
150374G16	1	Dune Lot View Lines	30 Sept 2005

as amended by the following drawings:

Architectural (or Design) Drawings prepared by Walker Corporation Pty Ltd			
Drawing Reference No.	Revision	Name of Plan	Date
01	0	Revised Subdivision	March 2009
03	0	Revised Subdivision - Overview	February 2009

- c) Modify Condition E9 by amending the lot numbers to reflect the revised lot numbers, and the revised side (road) setbacks, for Stage 1 lots, as follows:

### **E9 Building Setbacks**

The applicant will ensure the creation of a Restriction as to User over all allotments to be created within the subdivision pursuant to Section 88B of the *Conveyancing Act, 1919*. The Section 88B Instrument shall prohibit construction of any future dwelling or built structure on allotments within the subdivision outside the identified building envelopes. The building setbacks indicated on the Subdivision Layout Plan and to be applied to the development of lots created within the subdivision are to be measured from the property boundary of each proposed allotment and can be summarised as follows:

<b>Proposed Lot No.</b>	<b>Building Setback</b>
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 25a, 26, 27, 27a, 28, 29, 29a, 30, 31, 31a, 32, 33, 33a, 34, 35, 35a, 36, 37.	<p>5.5 metre front setbacks (up to 50% of the front façade of the dwelling - excluding garages or carports – may be setback 4.5m from the front boundary).</p> <p>7.5 metre front upper storey setbacks.</p> <p>1 metre setbacks.</p> <p>3 metre to dwelling and 1 metre to ancillary building rear setbacks.</p> <p>2 metre corner side setbacks (Lots 1, 3, 18, 21, 22, 25, and 32 only) where the side boundary has frontage to a road. Where the allotment shares a side boundary with another allotment, the minimum setback on that boundary is 1m.</p> <p>Foreshore setback N/A.</p> <p>Reserve setback N/A.</p>
38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159.	<p>5.5 metre front setbacks (up to 50% of the front façade of the dwelling – excluding garages or carports, may be setback 4.5m from the front boundary).</p> <p>7.5 metre front upper storey setbacks.</p> <p>1 metre side setbacks.</p> <p>3 metre to dwelling and 1 metre to ancillary building rear setbacks.</p> <p>3 metre corner side setbacks (lots 57, 68, 71, 72, 83, 84, 109, 145, 150, 152, 159).</p> <p>Foreshore setback N/A.</p> <p>Reserve setback N/A.</p> <p>5.5 metre front setbacks (Up to 50% of the front façade of the dwelling, excluding garages or carports, may be setback 4.5m from the front boundary).</p> <p>7.5 metre front upper storey setbacks.</p> <p>1 metre side setbacks.</p> <p>3 metre to dwelling and 1 metre to</p>

	<p>ancillary building rear setbacks.          Corner side setbacks N/A.          Foreshore setbacks N/A.</p>
<p>110, 111, 112, 113, 114, 115, 116,          117, 118, 119, 120, 121, 122, 123,          124, 125, 126, 127, 128, 129, 130,          131, 132, 133, 134, 135, 136, 137,          138, 139, 140, 141, 142, 143</p>	<p>5.5 metre front setbacks: Lots 110-136.          Up to 50% of the front façade of the dwelling, excluding garages or carports, may be setback 4.5 metres from the front boundary.          Front setback as indicated on Subdivision Layout Plan: Lots 137-139.          Front setback as indicated on Subdivision Layout Plan: Lots 140-143.          7.5 metre front upper storey setbacks.          1 metre side setbacks.          6 or 8 metre rear setbacks: See building envelopes.          6 metre rear setbacks: Lots 110, 113, 114, 117-121, 123, 124, 126, 128-143.          8 metre rear setbacks: Lots 111, 112, 115, 116, 122, 125, 127.          12 metre rear upper storey setbacks.          3 metre corner side setbacks: Lots 117, 118, 128 (from walkway or access road).          Foreshore: Direct access to foreshore from lots 110-127 is not permitted.          Reserve: Direct access to the Aboriginal Place from lots 127-143 is not permitted.</p>
<p>160 and 161</p> <p>162</p>	<p>9 metre (minimum) front setbacks to the lots in this precinct.          Side setbacks: Minimum setback of 4.5m from external allotment boundaries of Lots 160 and 161. Other setbacks are to be determined by the relevant consent authority when the applicant is preparing a development application for lodging.          Rear setbacks: Minimum 4.5m setback applies to the rear boundary of Lots 160 and 161.          Reserve setback N/A.          Foreshore setback N/A.</p> <p>6 metre front setback.          10 metre side setback (from George Bass Drive).          1 metre side setback.          6 metre rear setback.</p>