

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under the instrument of delegation executed on 14 September 2011, I approve the modification of the project approval referred to in schedule 1, subject to the modified conditions in Schedule 2.



Director
Industry, Social Projects and Key Sites

Sydney 14 August 2013

SCHEDULE 1

Project Approval: MP06_0032 granted by the A/Deputy Director-General on 29 October 2010

For the following: Subdivision into 10 lots including construction of roads and landscape works.

On land comprising: Lot 101 DP 1087389, 13 Millingandi Road, Millingandi

Modification: MP06_0032 MOD1 – Reduce the subdivision by one lot (now a 9 lot subdivision), development to occur in three stages and delete right of access over lot 7.

SCHEDULE 2

1. In schedule 2, condition 1.1 delete part (d) and insert a new part (d) as follows:

(d) the details submitted with Modification 1 including a letter prepared by Caddey Searl & Jarman titled 'Statement of Environmental Effects' dated 18.04.13 and a plan titled 'Plan of Proposed Subdivision Lot 101 DP 1087389, Millingandi Road, Millinagandi originally prepared by R W Surveying and Valuations and amended by Caddey Searl & Jarman dated March 2013; and

2. In schedule 2, condition 1.1 insert a new part (e) after 1.1(d) as follows:

(e) the conditions of this approval.

3. In schedule 2, condition 1.2, parts (a) and (b), replace the letter "c" after the figure "1.1" with the letter "d".
4. In schedule 2, after condition 1.6, insert a new condition 1.7 as follows:

Staging

Development staging is to be in accordance with the following:

- Stage 1 - lots 5, 6, 7 and public road;
- Stage 2 - lots 2, 3 and 4; and
- Stage 3 - lots 1, 8 and 9.

5. In schedule 2, add a letter "s" to the word "certificate" within heading "2. Prior to issue of construction certificate".
6. In schedule 2, condition 2.3, part (a), insert the words "for stage 1" after the words "construction certificate".
7. In schedule 2, condition 2.3, part (b), insert the word "the" prior to the words "construction certificate" and insert the words "for stage 1" after the words "construction certificate".
8. In schedule 2, condition 2.3, part (e):
 - a. delete part (iv);
 - b. in part (v) insert the figure and word "8 and" in between the word "lots" and the figure "9" and delete the word and figure "and 10" after the figure "9"; and
 - c. in part (vi) replace the figure "10" with the figure "9".
9. In schedule 2, add a letter "s" to the word "certificate" within heading "5. Prior to issue of subdivision certificate".
10. In schedule 2, condition 5.3, add the letter "s" to the word "certificate" and delete the letter "s" from the word "relates".
11. In schedule 2, delete condition 5.4 and replace with a new condition 5.4 as follows:

5.4 Prior to the issue of any subdivision certificate, the proponent shall pay the following contributions to council pursuant to section 94 of the *Environmental Planning and Assessment Act 1979*. The payments listed in this condition as per the staging set out in condition 1.7 are as at the date of approval of MP06_0032 MOD 1.

Stage 1 (lots 5, 6, 7 and public road)

- a) Section 94 Contributions Plan No. 3 – Recreational Facilities & Public Reserves

Recreational facilities \$1,300
Allocation no 1650.141.257

This contribution will be applied to the provision and/or improvement of public recreation facilities at Merimbula.

- b) Section 94 Contributions Plan No. 1 - Local Rural Roads

Local Rural Roads Fund \$3,294
(to be expended on improvements to Shire Roads)
Allocation no 1710.144.4018

This contribution will be expended on improvements to Millingandi Road and/or on roads leading to that road.

- c) Section 94 Contributions Plan No. 2 – Car parking

Payment for provision of public parking in the Merimbula town centre. \$1,128

Allocation no 1740.145.249

Stage 2 (lots 2, 3 and 4)

- a) Section 94 Contributions Plan No. 3 – Recreational Facilities & Public Reserves

Recreational facilities \$1,950
Allocation no 1650.141.257

This contribution will be applied to the provision and/or improvement of public recreation facilities at Merimbula.

- b) Section 94 Contributions Plan No. 1 - Local Rural Roads

Local Rural Roads Fund \$4,941
(to be expended on improvements to Shire Roads)
Allocation no 1710.144.4018

This contribution will be expended on improvements to Millingandi Road and/or on roads leading to that road.

- c) Section 94 Contributions Plan No. 2 – Car parking

Payment for provision of public parking in the Merimbula town centre. \$1,692

Allocation no 1740.145.249

Stage 3 (lots 1, 8 and 9)

- a) Section 94 Contributions Plan No. 3 – Recreational Facilities & Public Reserves

Recreational facilities \$1,950
Allocation no 1650.141.257

This contribution will be applied to the provision and/or improvement of public recreation facilities at Merimbula.

b) Section 94 Contributions Plan No. 1 - Local Rural Roads

Local Rural Roads Fund	\$4,941
(to be expended on improvements to Shire Roads)	
Allocation no	1710.144.4018

This contribution will be expended on improvements to Millingandi Road and/or on roads leading to that road.

c) Section 94 Contributions Plan No. 2 – Car parking

Payment for provision of public parking in the Merimbula town centre.	\$1,692
	1740.145.249
Allocation no	

A copy of the relevant Section 94 contribution plans are available for inspection at Council. The contribution for land will be adjusted in accordance with the latest annual valuations.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of any Subdivision Certificate."

12. In schedule 2, condition 5.5, replace the word "the" with the word "each" prior the words "subdivision certificate" and in the final paragraph, replace the letter "a" with the word "any" prior to the words "subdivision certificate".
 13. In schedule 2, condition 5.6, replace the word "the" with the word "each" prior the words "subdivision certificate".
 14. In schedule 2, condition 5.7 insert the words "for stage 1" after the words "subdivision certificate".
 15. In schedule 2, condition 5.10, insert the words "for stage 1" after the words "subdivision certificate".
 16. In schedule 2, condition 5.11, in the second paragraph, replace the word "the" with the word "a" prior to the words "subdivision certificate".
 17. In schedule 2, condition 5.13, parts (c) and (d), insert the word "and" in between the figures "8" and "9" and delete the word and figure "and 10" after the figure "9".
 18. In schedule 2, condition 5.13, in the final paragraph, replace the word "the" with the word "each" prior to the word "final", insert the words "as relevant" prior to the words "as a prerequisite" and replace the word "the" with the word "any" prior the words "subdivision certificate".
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