



# Caddey Searl & Jarman

*Consulting Surveyors and Property Valuers*

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## **PARTNERS**

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*Members: Network Property Group*



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## **Associates**

**A. Jarman, MIS (Aust)**  
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**R. Garnock, FAPI**

**Our Reference: 61530**  
**Your Reference: MP06-0195**

**15 April 2010**

NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

**RE: MODIFICATION OF DEVELOPMENT CONSENT**  
**MP06-0195**  
**JELLAT PASTORAL CO., WALLAGOOT LANE**

Further to discussions with Jane Flanagan of the department, on behalf of our client Jellat Pastoral Company, we formally apply to modify the subject consent as detailed below. There are no proposed changes to the number or layout of the lots.

The nature of the modification is to more clearly define which stage of the development each restriction applies to. e.g. some of the proposed lots are well clear of the 1 in 100 year floodline but are still mentioned as requiring the floodline to be delineated. Also 2 of the proposed lots have existing dwellings but there is the requirement for building envelopes to be provided.

We would like have those conditions, particularly within Part E4, separated out to their relevant stages so as to avoid any potential ambiguity arising in the future, particularly given that it may be some considerable time before all stages are completed and the people involved in the development application (owners, consultants, planners) may not be around.

Particular items we propose to be modified are:-

**1. E4(3)(i).** Lot F has an existing dwelling and entry direct on to Wallagoot Lane. Are we to assume that the existing entry as shown on the aerial photo forming part of the approved plan is acceptable?

**2. E4(3)(ii).** Lot F has an existing dwelling with an associated existing effluent disposal system and should not be subject to this restriction.

**3. E4(3)(iii).** Given that there are existing dwellings on both Lots B & F, this restriction should not apply to these lots.

**4. E4(3)(iv).** This requirement is better expressed as a Positive Covenant under the Conveyancing Act, and not as a Restriction on Use.

**5. E4(3)(v).** Firstly this restriction should only apply to Lots A, D & F. Lots B, C & E are well above the 1 in 100 year flood level. See “Site Analysis” plan dated 5<sup>th</sup> June 2008 which formed part of the original application which depicts the approximate flood level.

Secondly, this restriction if read literally covers all buildings, including farm sheds. I believe it should only apply to “habitable dwellings”.

**6. E5.** Reference should be made to Section 4.1.3 of *Planning for Bushfire Protection 2006* and not Section 4.2.7.

Find attached a *Request to modify a major project* form, together with a cheque in the amount of \$750 being the fee as advised.

Yours faithfully  
Caddey Searl and Jarman

**Michael Collins**  
Registered Surveyor