



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
issued under the
Environmental Planning and Assessment Act, 1979 Section 4.18(1)(a)

Development Application No. 10.2020.97.1

Bayview Land Development Pty Ltd
ATT: Eric Freeman
Email: epfreeman@bigpond.com

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Property description:	LOT: 162 DP: 1251169 77 Tuckeroo Avenue MULLUMBIMBY
Development	Stage 8 Tallowood Ridge Estate Subdivision to Create Forty-Seven (47) Residential Lots
Determination	Consent granted subject to the attached schedule of conditions
Date determined:	17 December 2020
Consent to operate from:	21 December 2020
Consent to lapse on:	21 December 2025

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder, and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 require you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
1002-ST8-DA3C	Subdivision Layout Plan Stage 8	CivilTec Consulting Engineers	20/11/2020
1002-ST8-DA21A	Access Track Plan, Long Section & Typical Section	CivilTech Consulting Engineers	17/11/20

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

- a) Lot 205 to be excluded from Stage 8 and incorporated into the Residual Lot

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- Inform the neighbouring property owner immediately.
- Engage a structural engineer to determine any remedial works that may need to be undertaken.
- Preserve and protect the adjoining building from damage.
- If necessary, underpin and support the building in an approved manner.

3. Conditions prescribed by the Regulation

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in **Schedule 3** of this consent.

4. Integrated Approvals from other State Government Approval Bodies

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being *an authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes*, and is subject to the General Terms of Approval from the Rural Fire Service dated [date of GTAs] contained in **Schedule 6** of this Notice of Determination.

5. No Tree Removal

This development consent does not authorize any native tree to be ringbarked, cut down, lopped, removed or damaged, or caused to be ringbarked, cut down, lopped, removed or damaged in contravention of Byron Development Control Plan 2014 and Development Control Plan 2010 as applicable to the land.

The following conditions are to be complied with prior to issue of a Construction Certificate for subdivision works

6. Plans of retaining walls and drainage

The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage.

Such plans and specifications must be approved as part of the Construction Certificate.

7. Long Service Levy to be paid

In accordance with Section 6.8 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

These payments can be made online at www.longservice.nsw.gov.au. Proof of payment is required to be submitted with the Construction Certificate application.

For further information regarding the Long Service Payment please refer to the website above.

8. Bond required to guarantee against damage to public land

A bond of \$10,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development, together with payment of an asset inspection fee in accordance with Council's fees and charges. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repared to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

9. Unexpected Findings Protocol - Contamination & Remediation

An Unexpected Findings Protocol (UFP) shall be prepared and submitted to Council for approval prior to the issue of Construction Certificate. The UFP shall be prepared by a suitable qualified person experienced in matters relating to Contamination of Land and Remediation.

10. Acid Sulfate Soils Management Plan must be submitted to Council for approval

Acid Sulfate Soils Management Plan must be submitted to Council for approval by prior to the issue of a Construction Certificate for subdivision works. The ASSMP must detail measures to be undertaken to management the disturbance of acid sulfate soils during construction works.

Investigations and management of ASS must be undertaken by a suitably qualified environmental consultant in accordance with the *Acid Sulfate Soil Manual (ASSMAC, 1998)*.

Advisory Note: The ASSMP must be dated subsequent to the date of the consent and approved by Councils EHO involved with the subdivision development.

11. Site Waste Minimisation and Management Plan

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information www.byron.nsw.gov.au/files/publication/swmmp-pro-forma.doc

12. Erosion and Sedimentation Control Plan

The plans and specifications to accompany the construction certificate application are to include a sediment and erosion control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The sediment and erosion control plan is to be designed in accordance with the requirements of the *NSW Department of Housing Manual (1989)*, *Managing Urban Stormwater*, *Soils and Construction*.

A suitably experienced person must prepare the sediment and erosion control plan. Suitably experienced people include those certified by:

The Institution of Engineers, Australia, for engineering and hydrology matters.
The International Erosion Control Association for soil conservation matters.
The Australian Society of Soil Science for collection or analysis of soil data.

The plan must incorporate (without being limited to) information on general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

13. Certification of fill to be provided to Council

Copy of documentation certifying that fill contained on the subject site is from a source that is clean and uncontaminated must be provided to Council prior to the issue of construction certificate for subdivision works.

14. Water Management Act 2000

A Controlled Activity Approval under the *Water Management Act 2000* for the proposed works within an adjacent to existing watercourses must be obtained from the NSW Natural Resource Access Regulator. A copy of the approval must be provided to the Principal Certifying Authority prior to the issue of the a Construction Certificate for the development. The Construction Certificate Application to comply with any requirements of this approval.

15. Tree Removal

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

16. Biodiversity Conservation Management Plan

Prior to the issue of a Construction Certificate, the Biodiversity Conservation Management Plan for Tallowood Ridge must be amended and approved by Council. This amendment must restore the ecological restoration strategies and management actions for Management Zones 7a, 7b and 10 for weed control. This includes the requirement for *assisted natural regeneration* in Management Zones 7a, 7b and 10 including weed control every 6 months for 5 years. The implementation schedule for each of these Management Zones must show that ecological restoration works will commence immediately upon approval of the amended BCMP.

All parts of the BCMP that are relevant to MZs 7a, 7b and 10 must be amended to reflect the ecological restoration strategy of *assisted natural regeneration* in these Management Zones.

17. Weed control

Primary Weed control as required by the amended BCMP to be carried out in Management Zones 7a, 7b and 10 prior to the issue of the Construction certificate.

18. Stormwater drainage plan to be amended

Prior to the issue of a Construction Certificate, the stormwater drainage plan is to be amended. The amended plan must ensure the continuing recharge of the native plant community in the gully corresponding with Management Zone 9 as defined in the Biodiversity Conservation Management Plan.

19. Engineering Construction Plans

Three (3) copies of engineering construction plans and specifications must accompany the Construction Certificate application demonstrating compliance with Council's standards for the required engineering works.

Each set of drawings must be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will comprise the certificate and check lists set out in Annexure DQS-A of the [Northern Rivers Local Government Development & Design Manuals](#).

The information shown on the drawings must be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Local Government Development & Designs. The drawings are to provide for the following works :

a) Clays Road and Coral Avenue upgrade

Clays Road and Coral Avenue must be upgraded from the intersection with Plover Parkway up the existing seal in Coral Avenue. The upgrade shall also include the Plover Parkway/Clays Road intersection and Clays Road/Coral Avenue intersection and associated drainage. The full section of the Clays Road and Coral Road upgrade must be in accordance with a rural residential standard road in Table T1.27 of Chapter D1.0 of Northern Rivers Local Government Guidelines and Construction Manual.

The finish surface level of the road must be at or minimally above the existing natural ground surface level.

b) Battle-axe handle width/frontage of Lot 239

A minimum 6.0m wide frontage width to extend for the full length of the battle-axe handle shall be provided in accordance with prescriptive measures 4 and 6 of section D6.4.1 of Council's DCP.

Provision must be made to provide for services and landscaping in accordance with prescriptive measures 4 and 5 of section D6.4.1 of Council's DCP.

c) Temporary Alternative/Emergency Access Road

A temporary alternative / emergency access is to be provided from the termination on Road 5 to Clays Road. The temporary access road shall as a minimum to comply with the requirements of section 4.1.3(3) of Planning for Bush Fire Protection 2006. Pipe design under the emergency fire access road must cater for 20 year ARI.

d) Access Track - Road 7 to Brushbox Drive

An access track/pathway is to be provided from the termination on Road 7 to Brushbox Drive. The access track/pathway shall be a minimum 3m wide sealed pavement generally in accordance with *Access Track Plan, Long Section & Typical Section Plan*, Drawing Number 1002-ST8-DA21A and dated 17 November 2020.

e) Full Width Road Construction

Full width road, kerb & gutter, drainage and footpath/bike path construction for all proposed roads on the approved plan.

In addition to the proposed footpaths in the approved plans, provision must be made to provide 1.2m wide footpath in accordance with Northern Rivers Local Government Standard Drawing R-07 to the following locations:

- along the western side of Road 1-3 to connect the existing footpath in Road 1-1; and
- extend the proposed footpath at the end of Road 1-1 up to the end of the stub road to the west.

f) Turn Around Areas

In addition to the proposed turnaround areas in the approved plans, provision must be made to provide a turnaround area at the end of Road 1-3.

g) Bus Route and Stops

Road 1-1, Road 1-2 and Road 1-3 are to be designated as Bus Route. Provision must be made to provide a bus stop (no shelter) in Road 1-3 in accordance with Chapter D1.0 of Northern Rivers Local Government Guidelines.

h) Service Conduits

Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.

i) Street Name Signs

Street name signs and posts to all proposed new roads.

j) Stripping and Stockpiling

Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.

k) Inter-allotment Drainage

Inter-allotment drainage to an approved public drainage system for each of the proposed new allotments where it is not possible to provide a gravity connection of future roofwater to the kerb and gutter.

l) Major Drainage System

A major stormwater drainage system design in accordance with NRLG D5.12 and QUDM must be prepared to define the major overland flow path with the development. These paths must be contained in an easement or reserve. The design of major underground drainage systems with no overland flow component is **strongly** discouraged.

m) Stormwater Drainage

Stormwater is to be collected and discharged in accordance with Council's standards, currently [Northern Rivers Local Government Development Design & Construction Manuals](#). A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for construction certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The drawings and management plan are to include, but not be limited to, the following items:

- a) The external catchment must be designed to cater for a 100year ARI including a positive relief outlet. This system must be contained within a reserve or an easement.
- b) Detailed hydrological and hydraulic design calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals.
- c) Fully detailed design & construction plan of the major and minor drainage systems including the detention system generally in accordance with the approved plan;
- d) Stormwater management structures/facilities that have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.

n) Stormwater Outlets

An energy dissipating pit with a suitably installed locked grated outlet to all pipes or any other drainage structures. Grates must be of galvanised weldlock construction.

20. Erosion and Sedimentation Control Plan

The plans and specifications to accompany the Subdivision Works Certificate application are to include a sediment and erosion control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The sediment and erosion control plan is to be designed in accordance with the requirements of the *NSW Department of Housing Manual (1989), Managing Urban Stormwater, Soils and Construction*.

A suitably experienced person must prepare the sediment and erosion control plan. Suitably experienced people include those certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.
- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

The plan must incorporate (without being limited to) information on general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

21. Traffic Control Plan

The plans and specifications to accompany the Subdivision Works Certificate application are to include a traffic control plan to indicate the measures to be employed to control traffic during construction of the subdivision. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual (1998), *Traffic Control at Work Sites*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

22. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted with the Subdivision Works Certificate application, demonstrating that the bushfire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with in relation to any necessary subdivision works.

23. Street Name Application to be lodged

Street / road names for the subdivision must be submitted for Council approval prior to issue of the Subdivision Works Certificate.

An application for approval of a street name must be in writing (letter or email) and is to include:

- a) at least 2 names for each proposed road in preferential order;
- b) the location and extent of the road;
- c) background/history of the selected name/s;
- d) details on why the selected name is considered to be appropriate;
- e) details on how the selected name conforms with Council's Street Name Policy and the NSW Address Policy;
- f) a locality plan;
- g) a layout plan showing proposed road/s and selected name/s suitable for publishing in the local newspaper; and

- h) payment of fees in accordance with Council's adopted schedule of fees and charges.

24. Sewerage and Water Mains

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works.

Sewerage and water mains are to be extended to service all residential allotments in the subdivision. All Council gravity sewerage mains are to be a minimum 150 mm diameter and water mains are a minimum 100mm diameter.

Water supply and sewerage works are to comply with Council's latest Standards and Policies including but not limited to:

- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

The following conditions are to be complied with prior to commencement of subdivision works

25. Erosion and sediment measures

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

26. Protection of trees

Trees to be retained are to be protected in accordance with the Australian Standard: Protection of trees on development sites, AS4970-2009.

Advisory Note: Council may impose on-the-spot fines for non-compliance with this condition.

27. Acid Sulfate Soils Management

All supplies for bunding and storing soils for treatment; sampling supplies and personnel associated with the approved Acid Sulfate Soils Management Plan must be in place prior the commencement of subdivision works.

28. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

29. Metered Stand Pipe required

Prior to the commencement of any civil works requiring water from Council water main, a metered Stand Pipe for temporary water supply must be supplied and installed by Council. Contact Council's Water and Recycling Department to arrange for this requirement on 02 6626 7081.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

The following conditions are to be complied with during subdivision works

30. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Advisory Note: Council may impose on-the-spot fines for non-compliance with this condition.

31. Construction Noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

Note: Council may impose on-the-spot fines for non-compliance with this condition.

32. Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on the work site:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

- 33. Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.
- 34. Placement of services near trees**
All care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as minimum root disturbance where services are to be laid within the dripline of a tree.
- 35. All excavated soils to be disposed of off-site**
All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.
- 36. Public safety requirements**
All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.
- 37. Approved Plans to remain on site**
A copy of the approved construction certificate including plans, details, specifications acid sulfate management plan and UFP must remain at the site at all times during the construction of the subdivision.
- 38. Removal of demolition and other wastes**
All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW EPA Waste Classification Guidelines (2014)
<https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>
- 39. Excavated natural materials and demolition waste disposal**
Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a NSW Protection of The Environment Operations Act s143 Notice. Template s143 Notices are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>
- 40. Maintenance of sediment and erosion control measures**
Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
- 41. Prevention of water pollution**
Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

42. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

43. Aboriginal Relics

If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:

- a. immediately cease works;
- b. notify the NSW National Parks and Wildlife Service (NPWS);
- c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

44. Monitoring of excavation works

No ground disturbing works near the southern ridgeline in the areas identified in the Cultural Heritage Assessment Report prepared by Everick dated June 2009 as the 'post clearing inspection areas', is to occur unless a representative from Tweed Byron Local Aboriginal Land Council and Byron Bay Aboriginal Corporation (Arakwal) is present to monitor the ground disturbing works while they are being undertaken.

The following conditions are to be complied with prior to the issue of a Subdivision Certificate:

45. Completion of All Works

All subdivision works required by this development consent, and associated Construction Certificate, are to be completed prior to issue of the subdivision certificate. A copy of the final completion letter/s, issued by the Principal Certifying Authority, and final plumbing certificate, issued by the water supply authority, for the relevant subdivision works must be submitted with the application for a subdivision certificate.

46. Subdivision Certificate application required

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

NOTE: The application MUST be one complete concise package addressing ALL conditions of consent relevant to the subdivision with a clear explanation how each condition has been complied with, together with supplying ALL the relevant information /documents/ certificate and/or plans that is required by that condition. Failure to provide the abovementioned information in one package will likely result in the application being refused or rejected and returned to you.

47. Ecological restoration works to be completed

Ecological restoration works are to be substantially implemented in accordance with the approved Biodiversity Conservation Management Plan prior to issue of the subdivision certificate for the development. This must include the completion of the second year management actions for Management Zones 7a, 7b, and 10 including weed control

The site must be assessed to determine satisfaction of performance criteria by Council. Alternatively, Independent sign-off may be undertaken by (Australian Association of Bush Regenerators) AABR-accredited Bush Regenerators, see <http://www.aabr.org.au/do/business-directory/wpbdm-category/aabr-accredited-bush-regenerators/>. In all cases, a monitoring report following the implementation of primary planting and/or restoration works must accompany any application for satisfaction of this condition.

48. Stormwater disposal

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a. Clear of buildings and infrastructure,
- b. Clear of effluent disposal areas,
- c. Not concentrated so as to cause soil erosion,
- d. Not directly to a watercourse, and
- e. Not onto adjoining land.

49. Acid sulfate soils

The works engineer must certify to the Principal Certifying Authority that all works have been carried out in accordance with the approved Acid Sulfate Soils Management Plan. Documentary evidence must be provided confirming the destination of all Acid Sulfate soils removed from the site.

50. Compliance with bushfire conditions

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

51. Plan of Subdivision

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads, and where relevant effluent disposal areas and the 1 in 100 year flood and flood planning level extents on land within or adjacent to a flood planning area. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

52. Section 88B Instrument

A Section 88B Instrument and one (1) copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) Sewer Easements

The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's Building Over Pipelines Policy 4.20.

b) Easement for Services

The creation of suitable easements for services over the access handle(s) of proposed Lot(s)

c) Dedicated Public Road Access

Dedication of suitable public road accesses and including public access pathways to all proposed allotments.

d) Inter-allotment Drainage Easements

The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments.

e) Drainage Easements

The creation of easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.

f) Drainage Reserve

The dedication of drainage reserve over the drainage treatment devices and constructed access.

g) Restricting Development – On-site Stormwater Detention

Restricting residential development of each vacant allotment until the proprietor has constructed or made provision for the construction of an on-site stormwater detention system to the requirements of Byron Shire Council.

53. Erection of Street Signs

The subdivider is to supply and erect street signs for the approved street names in accordance with this development consent and the Construction Certificate approval.

54. Certificates for engineering works

The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals and Specifications".

55. Works-As-Executed Plans

Following completion of works and prior to issue of the subdivision certificate, Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements are to be submitted to Council. Two categories of Work-as-Executed Drawings are to be submitted to Council, being Amended Design Work-as-Executed Drawings and Summary Work-as-Executed Drawings.

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:-

- a) One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- b) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Summary Work-as-Executed Drawings are to be prepared on a background plan of lot layout and kerb lines with a set of separate plans for stormwater drainage, sewerage, water supply and site works. The site works drawing/s shall include the 1 in 100 year flood and flood planning level extents and levels, where relevant. Such drawings are to be submitted to Council in the following formats:-

- a) One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- b) Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c) Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the Northern Rivers Local Government Development Design and Construction Manuals, and on Council's website.

56. CCTV Inspection and Report

CCTV inspection must be undertaken on all completed underground pipe systems, **including minor sewer main extensions**, in accordance with Council's specification.

Both a hardcopy and electronic copy of the report (submitted in CD or DVD medium in a format suitable to Council) of the CCTV inspection must be provided to Council for consideration prior to the release of the Subdivision Certificate, Occupation Certificate, Final Inspection for Section 68 Approvals, "Off-maintenance" or Release of Security Bond.

57. Certificate for services within easements

The submission of a certificate from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

58. Electricity Supply Certificate

Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision.

59. Fibre-ready Facilities and Telecommunications Infrastructure

Prior to the issue of the Subdivision in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

60. Geotechnical Report (Lot Classification)

A certificate from a practicing Geotechnical Engineer must be provided in conjunction with a Lot Classification Report prepared in accordance with Australian Standard AS2870.1. Such certificate must certify that all vacant allotments have a building site of adequate size and shape on each lot that is not subject to slip or subsidence.

61. Maintenance Bond

A maintenance bond of 5% (**minimum bond amount of \$5,000.00**) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of issue of the **Subdivision Certificate**. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

62. Record of Infrastructure

A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Local Approvals Section.

63. Water service and meter to be connected to each lot

An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

Water metering to be in accordance with Byron Shire Council's water metering requirements

See: <https://www.byron.nsw.gov.au/Services/Building-development/Other-approvals-and-permits/Plumbing-and-Drainage-Applications>

Any new water service and meter will be at applicants cost.

64. Certificate of Compliance – Water Management Act 2000

Water and sewer services are to be provided to the land in accordance with an approval granted under Section 68 of the Local Government Act 1993.

Payment of developer charges to Byron Shire Council for water supply and sewerage.

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Subdivision Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

65. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a subdivision certificate. Contributions are levied in accordance with the [Byron Shire Developer Contributions Plan 2012 \(as amended\)](#). The Plan may be viewed on line or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The local open space and shire wide open may be reduced by the value embellishment works undertaken on the sports fields for DA 10.2015.686.1 and on lot 130 for DA 10.2017.402.3. Council will offset up to the full value of these contributions based on the contract price for the works or a statement from a quantity surveyor.

The contributions as set out in the schedule may either be paid in full or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate.

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

The following conditions are to be complied with at all times

66. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

67. No Tree Removal

This development consent does not authorize any native tree to be ringbarked, cut down, lopped, removed or damaged, or caused to be ringbarked, cut down, lopped, removed or damaged in contravention of Byron Development Control Plan 2014 and Development Control Plan 2010 as applicable to the land.

68. Ecological restoration works

Ecological restoration works must be undertaken and continued until the performance criteria have been achieved in accordance with the approved Biodiversity Conservation Management Plan.

69. Asset Protection Zones

No part of any Asset Protection Zone is to be located within any of the Management Zones as defined within the Biodiversity Conservation Management Plan for Tallowood Ridge.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Condition relating to maximum capacity signage

Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-5470) 10.2020.97.1
Our reference: DA20200311000916-Original-1

ATTENTION: Luke Munro
ATTENTION:

Date: Wednesday 4 November 2020

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
77 Tuckeroo Av Mullumbimby NSW 2482 AUS, 162//DP1251169

I refer to your correspondence dated 11/03/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

1. The development proposal is to comply with the subdivision layout identified on the drawing titled 'Plan 3.1 - Stage 8 Subdivision Proposal' dated February 2020, except as modified by the following conditions.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of a subdivision certificate and in perpetuity, the entire area of Lot 848 and the residential lots in Stage 8 and proposed Stage 9 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. A restriction to land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over the following lots to prohibit the construction of a dwelling or Class 10 building within 6 metres of a dwelling, in the identified areas:

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- Lot 801 - 20 metres wide along the southern boundary;
- Lots 802 to 810 - 9 metres wide along the southern boundary;
- Lots 813 and 814 - 12 metres wide from the western edge of the unmanaged vegetation on Lot 813;
- Lot 842 - 12 metres wide along the eastern boundary; and
- Lot 843 - 10 metres wide along the eastern boundary.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Public road access must comply with the requirements of section 4.1.3(1) of Planning for Bush Fire Protection 2006, except that:

- a perimeter road is not required along the southern boundary of Lot 801;
- a perimeter road is not required along the southern boundary of Lots 802 - 809;
- a perimeter road is not required along the eastern boundary of Lot 842; and
- a temporary 12 metre outer radius turning circle is to be provided at the termination of Road 4;

5. A minimum 4 metre wide trafficable path is to be provided through Lot 848 to provide emergency access from Road 2 to Road 7. The path is to provide a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, and any traffic management devices are not to prohibit access by emergency services vehicles

6. A temporary alternative / emergency access is to be provided from the termination on Road 5 to Clays Road. The temporary access road shall comply with the requirements of section 4.1.3(3) of Planning for Bush Fire Protection 2006.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

7. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

8. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – Consent Authority to Note

- As the development application was submitted prior to 1 March 2020 it has been assessed in accordance with the requirements of Planning for Bush Fire Protection 2006. However, in recognition that any future development on the proposed lots will be subject to the requirements of Planning for Bush Fire Protection 2019, asset protection zones (APZs) have been determined in accordance with Table A1.12.3 of Planning for Bush Fire Protection 2019.

For any queries regarding this correspondence, please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
Team Leader, Dev. Assessment & Planning
Planning and Environment Services



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
77 Tuckeroo Av Mullumbimby NSW 2482 AUS, 162//DP1251169
RFS Reference: DA20200311000916-Original-1
Your Reference: (CNR-5470) 10.2020.97.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Alan Bawden

Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Wednesday 4 November 2020

SCHEDULE 4. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development complies with the provisions of Byron Local Environmental Plan 1988.
The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development complies with relevant provisions of Development Control Plan 2010
The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.
The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed
The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.
To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

SCHEDULE 5. NOTES

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Principal Certifying Authority:

Work must not commence until the applicant has:-

- appointed a Principal Certifying Authority (if the Council is not the PCA); and
- given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required:

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

Water payments under the Water Management Act 2000

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
(ET Policy No:13/005)

Water	47.20 ET
Sewer	47.00 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.

Schedule of Development Contributions

Contributions set out in the schedule below are to be paid to Council prior to the release of a subdivision certificate. Contributions are levied in accordance with the [Byron Shire Developer Contributions Plan 2012 \(as amended\)](#). The Plan may be viewed on line or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The local open space and shire wide open may be reduced by the value embellishment works undertaken on the sports fields for DA 10.2015.686.1 and on lot 130 for DA 10.2017.402.3. Council will offset up to the full value of these contributions based on the contract price for the works or a statement from a quantity surveyor.

The contributions as set out in the schedule may either be paid in full or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate.

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

Section 7.11 contributions Schedule for Mullumbimby Catchment						
This schedule was calculated in spreadsheet #E2018/73086						
1 bedroom units =	0	@	0.55 SDU	=		0
2 bedroom units =	0	@	0.75 SDU	=		0
3 bedroom units/dwellings =	0	@	1 SDU	=		0
Allotments =	46	@	1	=		46
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		45
Schedule valid until			27/01/2021	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-ML)	45.00	SDU @ \$ 6,206.53	=		\$ 279,293.85
LGA Wide Open Space & Recreation	(OS-SW)	45.00	SDU @ \$ 765.88	=		\$ 34,464.60
LGA wide Community Facilities	(CF-SW)	45.00	SDU @ \$ 1,121.71	=		\$ 50,476.95
Local Community Facilities	(CF-ML)	45.00	SDU @ \$ 220.56	=		\$ 9,925.20
Bikeways & Footpaths	(CW-ML)	45.00	SDU @ \$ 2,118.14	=		\$ 95,316.30
Shire Wide Bikeways & Footpaths	(CW-SW)	45.00	SDU @ \$ 82.28	=		\$ 3,702.60
Urban Roads	(R-ML)	45.00	SDU @ \$ 1,099.41	=		\$ 49,473.45
LGA Wide Roads	(R-SW)	45.00	SDU @ \$ 231.75	=		\$ 10,428.75
Rural Roads	#N/A	45.00	SDU @ \$ -	=		\$ -
Administration Levy	(OF-SW)	45.00	SDU @ \$ 1,158.46	=		\$ 52,130.70
Total				=		\$ 585,212.40

Relics Provisions- Advice

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

Reason for conditions

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Are you dissatisfied with conditions of consent?

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 4.55 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Court within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

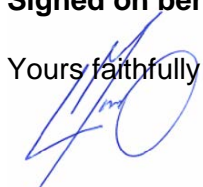
NOTE: This clause does not relate to Integrated Development Applications, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 8.2 of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully



Mr L J Munro
Planner

Dated: 21 December 2020