



PLAN OF PROPOSED SUBDIVISION OF LOT 379 IN DP 1011111 AT 2511 PRINCES HIGHWAY, YELLOW PINCH

FOR RONAKI PTY LTD OWNER

Surveying & Valuations

PO BOX 639
 35 FLINDERS STREET
 EDEN NSW 2551
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LEVEL DATUM APPROX AHD TAKEN FROM WOLUMLA TOPO MAP	SCALE 1:5000	DATE 21/08/2006	DRN. SB	CHK. RW	SIZE A3
REFERENCE/DRAWING NAME					REV.
1171 A					SHEET 1 OF 1
					9



Bega Valley Shire Council

DA No. **2007.0277**

<DATE>

RW Surveying Pty Ltd
PO Box 639
EDEN NSW 2551

NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by granting consent under Clause 12, 16, 65, 74, 75 and 82 of the *Bega Valley Local Environmental Plan 2002* subject to conditions.

APPLICANT **RW Surveying Pty Ltd**

LAND **Lot 379 DP 1011111**

LOCATION **2511 Princes Highway, Yellow Pinch**

ZONE **1(a) Rural General Zone**

PROPOSED DEVELOPMENT **4 Lot Subdivision**

CLASSIFICATION(S) UNDER
BUILDING CODE OF
AUSTRALIA

NA

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ADDRESS ALL
CORRESPONDENCE TO:
PO Box 492
Bega NSW 2550
DX 4904
ABN 26 987 935 332

Council Chambers
Zingel Place, Bega

PHONE
(02) 6499 2222
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INFORMATION
www.begavalley.nsw.gov.au
EMAIL
council@begavalley.nsw.gov.au

DETERMINATION MADE ON <DATE>
CONSENT TO OPERATE <DATE>
FROM
CONSENT TO LAPSE ON <DATE>

DEVELOPMENT CONSENT

Conditions applying to all stages of the subdivision;

1. The plan of subdivision shall be in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans and by the following conditions.
2. This subdivision approval exhausts the concessional lot entitlements from the "existing holding" as prescribed in *Bega Valley Local Environmental Plan 2002*, as amended.
3. This development consent is for the subdivision of land and related works. No approval of existing buildings or structures is granted or implied by this consent.
4. The subdivider must obtain a Subdivision Certificate for this subdivision from the appointed Principal Certifying Authority before the plan of subdivision can be registered by the Department of Land and Property Information NSW. All conditions of consent must be satisfied, or suitable bonding arrangements made with Council, before a Subdivision Certificate can be issued. A copy of the prescribed form for an Application for a Subdivision Certificate is enclosed. (Council's current fee for a Subdivision Certificate as at the date of this consent is \$ 450)
5. Where any easement, right-of-carriageway or restrictive covenant is to be created pursuant to Section 88B of the *Conveyancing Act, 1919*, the subject S88B Instrument shall be submitted to the Principal Certifying Authority with the final plan of subdivision as a prerequisite to the endorsement of the Subdivision Certificate by the Principal Certifying Authority.
6. Where a positive covenant is intended to be created in favour of Council pursuant to Section 88E of the *Conveyancing Act*, the Section 88B instrument must be endorsed by the Council prior to the endorsement of the Subdivision Certificate by the Principal Certifying Authority.
7. Each allotment in the proposed subdivision shall be serviced with electricity at no cost to Council. A letter from Country Energy advising that its requirements have been met shall be sufficient to establish compliance with this condition.
8. The subdivider shall arrange for the provision of telephone services to the lots in the subdivision. Prior to the endorsement of a subdivision certificate, the subdivider shall submit to the Principal Certifying Authority written notification from a recognised telecommunications carrier to confirm that arrangements have been undertaken to satisfy this condition.
9. The erection of dwellings on proposed Lots 1, 2 and 3 will require the installation of an on-site sewerage management system generally in accordance with the recommendations contained within the report prepared by Van Leeuwen and Stoddard or to an equivalent or superior standard. The plan of subdivision and Section 88B Instrument shall establish a suitable positive covenant to give effect to this requirement. Council is to be nominated as having the benefit of the covenant and the sole authority to release, vary or modify the covenant.
10. The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants, with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by bearings and distances shown on the plan of subdivision shall define these covenants.

- a) Prohibiting the disposal of treated or untreated sewage or septic tank effluent on, in or under land within 40 metres of the gully / watercourse as delineated on the Approved Development Plan.
 - b) Prohibiting the erection of any building except within the nominated building envelope.
11. The developer's attention is drawn to the requirements of the *National Parks and Wildlife Act* with respect to the conservation of Aboriginal archaeology.

As a landowner and/or developer you have a responsibility to not disturb or destroy any such item. Should you become aware of the existence of an item during the construction of this development you are required to comply with the *National Parks and Wildlife Act* and contact Council or the National Parks and Wildlife Service immediately for guidance in the conservation or collection of the item(s).

Note: In this respect it is recommended that representatives from the relevant Local Aboriginal Land Council are present during the initial stages of site disturbance.

General Subdivision Engineering Conditions:

12. **Procedures - Requirements before commencement of subdivision work:**

- A. Subdivision work in accordance with this development consent must not be commenced until:
- a) **Construction Certificate** for this subdivision work has been issued by:
 - i) the council, or
 - ii) an accredited certifier, and
 - b) the person having the benefit of this development consent:
 - i) has appointed the Council as Principal Certifying Authority for this development, and
 - ii) has notified the Council of this appointment (see below), and
 - c) the person having the benefit of this development consent has given at least 2 days notice to the Council of the person's intention to commence the subdivision work.

The notification to Council of appointment of the Principal Certifying Authority and intention to commence work must be submitted on the form prepared by the Council for that purpose.

- B. The notification to Council of appointment of the Principal Certifying Authority must contain the following information:
- a) the name and address of the person by whom the notice is being given, and
 - b) a description of the work to be carried out, and
 - c) the address of the land on which the work is to be carried out, and
 - d) the registered number and date of issue of this development consent, and

- e) the name and address of the Principal Certifying Authority (Council).
- C. The notice to Council of intention to commence the subdivision work must contain the following information:
 - a) the name and address of the person by whom the notice is being given, and
 - b) a description of the work to be carried out, and
 - c) the address of the land on which the work is to be carried out, and
 - d) the registered number and date of issue of this development consent, and
 - e) the registered number and date of issue of the relevant Construction Certificate, and
 - f) a statement signed by or on behalf of the Principal Certifying Authority (Council) to the effect that all conditions of the consent that are required to be satisfied prior to the work being commenced have been satisfied, and
 - g) the date on which the work is intended to commence.
- D. The plans and specifications to which the Construction Certificate relates must conform to the conditions of this development consent, the standards set out in Council's Development Control Plans, Subdivision Guidelines and construction and design specifications and sound engineering practice.
- E. Any levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be paid before the Construction Certificate is issued.
- F. Payment to Council of a security deposit for the making good of any damage caused to any Council property as a consequence of the doing of anything to which this consent relates. This security shall be provided in an amount of 5 per cent of the value of the construction works, either as a cash deposit or unconditional bank guarantee. A bond administration fee may also be payable to Council.

(Reason: Statutory requirements. See *Environmental Planning and Assessment Act 1979*, Sections 80A, 81A and 109F and *Environmental Planning and Assessment Regulation 2000*, Clauses 103 and 104.)

13. Traffic Control Plan

No work shall be carried out within three metres of the carriageway of a public road subject to motor vehicle traffic until Council has approved a satisfactory Traffic Control Plan relating to that work, and the Roads and Traffic Authority has approved any associated Roadworks Speed Limit.

The Traffic Control Plan shall be prepared by a person who is authorised by the Roads and Traffic Authority to prepare these plans. The Traffic Control Plan must bear the name, signature and Traffic Control at Worksites Certificate Number of the person who prepared it.

All measures described in the Traffic Control Plan shall be implemented and maintained for the duration of any work within or adjacent to the road carriageway.

(Reason: so that work on public roads is performed safely.)

14. Certification and inspection of subdivision work

The subdivision works must be inspected and tested either by Council's inspector, or by an Accredited Certifier (PCA) at each of the following stages of construction listed below to confirm compliance with the standards set out in Council's Technical Specification for Civil Engineering Works.

Before the endorsement of the Subdivision Certificate for this development, a Completion of Engineering Works Certificate must be obtained from Council (where Council is the PCA), to demonstrate that all subdivision works have been completed.

Where Council is not the PCA, documentary evidence shall be provided by the PCA to Council demonstrating compliance with the following.

- a) After placement of all signs and control measures in accordance with the approved Traffic Control Plan.
- b) After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage.
- c) After completion of road subgrade.
- d) After placement and compaction of each layer of gravel pavement material.
- e) During application of bitumen seal or asphaltic concrete wearing surface.
- f) After laying and jointing of all stormwater pipelines prior to backfilling.
- g) After completion of works.
- h) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

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It should be noted that Council charges fees for inspections and certificates. These fees must be paid prior to the endorsement of a Subdivision Certificate.

(Reason: to demonstrate that subdivision works are completed in conformity with development consent conditions and to appropriate technical standards).

15. Defects liability period for subdivision works:

- a) The developer shall remedy any defects in the subdivision works arising within six months after the completion of the works and shall make good any damage caused to any Council property as a consequence of doing anything to which this consent relates.
- b) If the Subdivision Certificate is issued prior to the expiry of this period, the Council must first be provided with a security deposit or unconditional bank guarantee in a form acceptable to Council, in an amount of five percent (5%) of the value of the subdivision works. This amount is security for remedying any defects in the subdivision works that arise within six months after the works are completed, and for making good any damage caused to Council property as a consequence of the doing of anything to which the consent relates. The funds realised from this security may be paid out by Council to meet any costs referred to in paragraph (a) above. A Bond Administration Fee may be payable to Council.

- c) This condition is authorised by Section 80A(6)-(10) of the Environmental Planning and Assessment Act 1979.

(Reason: to ensure that subdivision works are in satisfactory condition when transferred to Council and that any damage to Council property is remedied.)

16. **Qualifications and insurance of engineering designers**

All subdivision work shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance.

(Reason: to ensure appropriate professional standards.)

17. **Contractor's insurance**

Each contractor engaged in the construction of subdivision work must hold current public liability insurance for an amount of not less than \$20,000,000 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of subdivision works Council must be provided with evidence of the currency of this insurance.

(Reason: to ensure that contractors hold suitable public liability insurance.)

18. **Easements for services**

The plan of subdivision shall establish easements for services as necessary to provide for the connection of electricity services to each lot.

(Reason: to secure the authority for land benefited to install, use and maintain connections to utility services across other land.)

19. **Right of access**

The plan of subdivision shall establish right(s) of access not less than 20.0 metres wide in favour of lots 1, 2 and 3 to contain the physical access to that land.

(Reason: to secure the authority for land benefited to use and maintain the access provided within this subdivision.)

20. **Dedication of road widening**

The final plan of subdivision shall include the dedication as Public Road of such land as is necessary to contain the constructed road in use, and known as Yellow Pinch Drive over the frontages of all surveyed lots. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the existing constructed road is wholly contained within the road reserve boundaries shown on the plan of subdivision.

(Reason: To rectify encroachments as part of the subdivision).

21. **Encroachments onto Council's Road Reserve**

Prior to the issue of a Subdivision Certificate, any boundary fencing currently encroaching onto Council's road reserve shall be relocated onto the correct boundary alignment. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the fence(s) are constructed wholly upon the property boundaries and shown on the plan of subdivision.

(Reason: To rectify encroachments as part of the subdivision).

Bushfire Conditions

Asset Protection Zones

The intent of the 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.

22. At the commencement of building works and in perpetuity the property around the existing dwellings to a distance of 20 metres shall be maintained as an 'Inner Protection Area' (IPA) as outlined within Planning for Bushfire Protection 2006 and the Services document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

23. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bushfire Protection 2006.

Access

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The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

24. Access shall comply with Section 4.1.3(2) of Planning for Bushfire Protection 2006.

Design and Construction

25. New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of Planning for Bushfire Protection 2006.

General Advice

Any further development application for Class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to separate application under Section 79 BA of the EP and A Act and address the requirements of Planning for Bushfire Protection 2006.

Department of Water and Energy

26. General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000.

The subdivision shall comply with the requirements of the Bush Fire Safety Authority, issued by the NSW rural Fire Service, dated 27 November 2008.

Note: The general terms of approval issued by the NSW RFS are provided as Attachment A to this development consent.

Conditions applying to Stage 1 (Lots 1, 2 and Residue)

27. Prior to the endorsement of a subdivision certificate by the Principal Certifying Authority, the following contributions must be paid to Council pursuant to Section 94

and 94B of the Environmental Planning and Assessment Act, 1979 and the following Contributions Plans. Section 94 Contributions plans can be inspected at Council's Bega Office during normal office hours.

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

Recreational facilities	\$1,152
Allocation no	1679-013

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

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

Local Rural Roads Fund (to be expended on improvements to Shire Roads)	\$1,944
Allocation no	1622-316

This contribution will be expended on improvements to Yellow Pinch 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.	\$1,000
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Allocation no	1688-008
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The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

Engineering Conditions

28. Subdivision works Stage 1 (lots 1, 2 & residue)

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Clearing

- a) Any clearing of land for development is to be strictly in accordance with the terms of this consent to ensure that it is within the exclusions and exemptions of the Native Vegetation Act 2003.

(Reason: To comply with Native Vegetation Act 2003.)

Roadworks

- b) design (full engineering design plans) and construction of a type BAL **intersection treatment** at the junction of the proposed right of access with Yellow Pinch Drive in conformity with the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority and shown as figure 4.8.34. The design shall include the requirement for Safe Intersection Sight

Distance for a speed environment 60 km/h along Yellow Pinch Drive Road.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) design (full engineering design plans) and construction of the following in the proposed right of access from its intersection with Yellow Pinch Drive to the frontage of lot 1:
- 4 metre wide gravel road,
 - 200mm thick compacted gravel pavement,
 - 1.0 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

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(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) design and construction of a **vehicular entrance(s)** serving lot 1 in conformity with Council's standard drawing 2111.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- e) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- f) construction of **electricity reticulation works** and associated facilities to service every lot.

(Reason: to provide appropriate electricity servicing for of each lot.)

- g) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

29. **Restriction as to user**

The plan of subdivision shall and section 88B instrument shall establish the following restrictive covenants, with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by bearing and distances shown on the plan of subdivision shall define these covenants.

- Prohibiting direct vehicular access to and from Yellow Pinch Drive except at the location defined on the plan of subdivision in conformity with the Approved Development Plan.

(Reason: To provide an appropriate standard of access to the land)

Conditions applying to Stage 2 (Lots 3 and Residue)

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30. Prior to the endorsement of a subdivision certificate by the Principal Certifying Authority, the following contributions must be paid to Council pursuant to Section 94 and 94B of the Environmental Planning and Assessment Act, 1979 and the following Contributions Plans. Section 94 Contributions plans can be inspected at Council's Bega Office during normal office hours.

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

Recreational facilities	\$576
Allocation no	1679-013

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

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

Local Rural Roads Fund (to be expended on improvements to Shire Roads)	\$972
Allocation no	1622-316

This contribution will be expended on improvements to Yellow Pinch 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.	\$500
Allocation no	1688-008

The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

Engineering Conditions

31. Subdivision works Stage 2 (lot 3 & residue lot 4)

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Clearing

- a) Any clearing of land for development is to be strictly in accordance with the terms of this consent to ensure that it is within the exclusions and exemptions of the Native Vegetation Act 2003.

(Reason: To comply with Native Vegetation Act 2003.)

Roadworks

- b) design (full engineering design plans) and construction of a type BAL **intersection treatment** at the junction of the proposed right of access with Yellow Pinch Drive in conformity with the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority and shown as figure 4.8.34. The design shall include the requirement for Safe Intersection Sight Distance for a speed environment 60 km/h along Yellow Pinch Drive.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) design (full engineering design plans) and construction of the following in the proposed right of access from its intersection with Yellow Pinch Drive to the frontage of lot 3:
- 4 metre wide gravel road,
 - 200mm thick compacted gravel pavement,
 - 1.0 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) design (full engineering design plans) and construction of a structure for the over the water course to be a single lane concrete structure, constructed to recognized engineering standards and providing a design service life of not less than 40 years. All works associated with the construction of the structure and its approaches shall be carried out and completed in accordance with detailed engineering plans and specifications as prepared by a suitably qualified engineer and as approved by Council.

Prior to the endorsement of the Subdivision Certificate for this development, Council shall be provided with certification from a suitably qualified and experienced Chartered Professional Engineer (NPER 3 registered) confirming that the works identified in the condition referred to above satisfies the specified performance and acceptance criteria.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- e) design and construction of a **vehicular entrance(s)** serving lot 3 in conformity with Council's standard drawing 2111.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- f) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- g) construction of **electricity reticulation** works and associated facilities to service every lot.

(Reason: to provide appropriate electricity servicing for of each lot.)

- h) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

32. **Compliance from State government departments**

The Developer shall obtain, and submit to Council, the written concurrence of the Department of Water and Energy for all improvements within the water course.

Documentary evidence to this effect is to be submitted to Council to works commencing.

(Reason: to ensure that the subdivision has legal access.)

33. **Restriction as to user**

The plan of subdivision shall and section 88B instrument shall establish the following restrictive covenants, with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by bearing and distances shown on the plan of subdivision shall define these covenants.

- Prohibiting direct vehicular access to and from Yellow Pinch Drive except at the location defined on the plan of subdivision in conformity with the Approved Development Plan.

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(Reason: To provide an appropriate standard of access to the land)

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94 Development Contribution Plan* and *Tree Preservation Order*.

Notes:

1. If you do not agree with this determination you can apply to Council for a review under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

An application for review must be made within one year from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development. (Please contact Council for details).

2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Section 97 of the EP&A Act 1979 within 12 months from the date of this notice.
3. Before you start any building or subdivision works you must obtain a Construction Certificate from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003

may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority.

6. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

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Rob Quick
Development Control Planner

FOR BEGA VALLEY SHIRE COUNCIL