

DRAFT CONSENT CONDITIONS – Coastal Protection Works

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-405, PAN-498663 Byron Shire Council 10.2023.287.2
PROPOSAL	<p>Coastal Protection Works, in the form of an extension to an existing geobag wall.</p> <p>The extension would be approx. 40m long and comprise approx. 200 x 0.75m³ geobags arranged in a stepped profile. The extension is proposed as a temporary structure, with a life of 5 years.</p> <p>The proposal is defined as <i>beach and coastal restoration works</i> and is permitted in the site's 7(f1) Coastal Lands zoning.</p>
ADDRESS	<p>Lot 1 DP1215893</p> <p>144 Bayshore Drive, Byron Bay</p>
APPLICANT	<p>Applicant: Ms Kate Singleton, Planners North</p> <p>Owner: Ganra Pty Ltd</p>
APPLICATION TYPE	Integrated Development
DETERMINATION DATE	
CONSENT TO OPERATE FROM	
CONSENT TO LAPSE ON	

SCHEDULE 1. CONDITIONS

PART A: GENERAL

A1 Approved Plans and Supporting Documentation

The geobag coastal protection works must be implemented in accordance with the approved plans, specifications and supporting documentation listed below, which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Title	Version No.	Drawn by	Dated
General Arrangement and Location Plan	PA3267-RHD-00-XX-DR-ME-1000 P03	Royal HaskoningDHV	05.06.2025
Cross Sections Sheet 1	PA3267-RHD-00-XX-DR-ME-1101 P03	Royal HaskoningDHV	05.06.2025
Cross Sections Sheet 2	PA3267-RHD-00-XX-DR-ME-1102 P03	Royal HaskoningDHV	05.06.2025
Cross Sections Sheet 3	PA3267-RHD-00-XX-DR-ME-1103 P03	Royal HaskoningDHV	05.06.2025
Re-Establishment of Dune Profile Sheet 1	PA3267-RHD-00-XX-DR-ME-1104 P02	Royal HaskoningDHV	05.06.2025
Re-Establishment of Dune Profile Sheet 2	PA3267-RHD-00-XX-DR-ME-1105 P02	Royal HaskoningDHV	05.06.2025
Re-Establishment of Dune Profile Sheet 3	PA3267-RHD-00-XX-DR-ME-1106 P02	Royal HaskoningDHV	05.06.2025
Construction Methodology Statement Geo-Bag Wall Extension	To be amended in accordance with condition B1	Lockyer Valley Quarry Solutions	24.06.2024
Monitoring and Management/Maintenance Plan (Maintenance Plan) and a Geobag Structure Removal Plan (Removal Plan)	PA3267-RHD-XX-XX-CO-X-0001	Royal HaskoningDHV	13 June 2025

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

A2 Time Limited Consent

The geobag coastal protection works must be removed by the fifth anniversary of the determination date of the development consent or on the Minister's certification of Council's adopted Coastal Management Program, whichever is sooner. Removal of the geobag coastal protection works must be undertaken in accordance with the approved Geobag Coastal Protection Works Removal Plan, prepared by Royal HaskoningDHV, dated 13 June 2025 (Removal Plan).

If at any time before the 5th anniversary of the determination date of the development consent, Council forms the opinion that there has been a significant failure of the geobag coastal protection works and/or associated works due to coastal processes, and it is not considered by Council to be feasible to repair or reinstate the works due to impacts from coastal processes on the beach and dunal

system, the geobag coastal protection works must be removed in accordance with the approved Removal Plan, at the landowners' expense.

Reason: To ensure that the geobag coastal protection works are a temporary solution to current erosion, to be removed and replaced by a permanent coastal management arrangement as identified and adopted in a Coastal Management Program, prepared and certified under the provisions of the *Coastal Management Act 2016*.

A3 No Tree Removal

This development consent does not authorise any native tree to be ringbarked, cut down, lopped, removed, or damaged, or caused to be ringbarked, cut down, lopped, removed, or damaged. All trees shall be protected during all works in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

Reason: To ensure works do not result in avoidable biodiversity impacts.

A4 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 a Schedule to this consent.

Reason: To comply with the Regulation

A5 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 a Controlled Activity approval under the *Water Management Act 2000* (WM Act) and is subject to the General Terms of Approval from the Department of Planning and Environment - Water contained in **Schedule 3** of this Notice of Determination or any further amended GTA's issued by the Department of Planning and Environment - Water.

Reason: To ensure the consent includes integrated approval detail

A6 Post Removal Rehabilitation Plan

Within six months of the date of this consent, the applicant must prepare and submit to Council a 'Post Removal Dune Rehabilitation Plan' for implementation post removal of the geobag structure. The Post Removal Dune Rehabilitation Plan must be endorsed by Council's Director Sustainable Environment & Economy (or delegate).

The objective of this plan is to outline the detailed process for rehabilitating the land post removal of the geobag structure in accordance with the approved plans.

It must consider a range of beach state scenarios that may exist at the time immediately subsequent to the geobag structure removal.

It must be prepared in consultation with Council and include but not be limited to, the following:

- a. Expected timeline ranging from the date of geobag removal through to site rehabilitation works being established;
- b. Details of site rehabilitation and planting schedules including any landscaping and vegetation that needs to be re-established, endemic to the area;

- c. Details on waste management and recycling of all materials arising from rehabilitation;
- d. In accordance with all relevant conditions in this consent including but not limited to site location, biodiversity protection and tree retention; and
- e. Expected maintenance period for areas disturbed by the geobag removal process including any landscaping and vegetation that needs to be re-established. A minimum of 3 months is anticipated.

Reason: To ensure the site is rehabilitated and maintained for a reasonable period after the geobags have been removed.

PART B: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Amended Documents Required

The following documents are to be updated to reflect all other plans referred to in condition 1.

The amended documents are to be submitted to Council for endorsement, prior to issue of a Construction Certificate:

Title	Version No.	Drawn by	Dated
Construction Methodology Statement Geo-Bag Wall Extension	-	Lockyer Valley Quarry Solutions	24.06.2024

Reason: To ensure that all consent documents are consistent and relevant to the approved coastal protection works with regards engineering design, methodology plan, maintenance plan and removal plan.

B2 Construction Site Management Plan

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To ensure that construction activities are appropriately managed.

B3 Placement and origin of imported sand

Plans submitted with the application for Construction Certificate must indicate the origin of the imported sand, temporary stockpile locations within the site and the application of the sand to the geobag wall for 'drip feed' in accordance with the approved Monitoring and Management / Maintenance Plan. No materials are to be stockpiled within the tree protection zone (TPZ) of any trees.

Reason: To ensure that supply of sand is available to the beach compartment for drip feed of sand in accordance with the approved Maintenance Plan.

B4 Tree Retention and Protection on Construction Plans

All trees are to be retained and must be illustrated on any and all relevant Construction Plans, along with their Tree Protection Zones formulated in accordance with AS 4970-2009 – *Protection of Trees on Development Sites*.

Reason: To ensure works do not result in avoidable biodiversity impacts.

B5 Waste Management Plan

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

a. Council's Waste Management Development Control Plan

OR

b. details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the environmental management plan and kept on-site at all times during construction.

Reason: To ensure that construction wastes are appropriately managed.

B6 Security Deposits and Bond – Maintenance and Removal

Bond for Maintenance of Geobag Coastal Protection Works

Before the commencement of any works on the site or the issue of a construction certificate, a security deposit (bond) is to be paid to Council as guarantee against damage caused to the geobag coastal protection works or any adjoining land.

Evidence is to be provided to Council and the principal certifying authority indicating the pre development condition of the surrounding public land. Such evidence must include dated photographs.

The proponent will be held responsible for the repair of any damage. The applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Security deposit	\$10,000
Inspection fee	In accordance with the current fees and charges .

The payments will be used for the cost of:

- making good any damage caused to the geobag coastal protection works or any adjoining land should the landowner fail to implement the approved Monitoring and Management / Maintenance Plan in a timely manner, and
- any inspection carried out by Council in connection with the completion of the work or the making good any damage.

Note: The amount payable must be in accordance with council's fees and charges at the payment date. The security deposit (bond) will be held until Council is satisfied that this condition is met.

AND

Bond for Removal of Geobag Coastal Protection Works

Prior to the issue of a Construction Certificate, a suitable bond or bank guarantee is to be provided to Council for the removal of the geobag coastal protection works and rehabilitation of the dune in accordance with Conditions A2, F2 and F3.

The bond amount must be 150% of the estimated cost of removal of the works and rehabilitation of the dune and three (3) quotes must be provided for the future removal of these works and all activities associated with dune rehabilitation.

The bond estimate must include all costs, including engineering supervision, appropriate permits, the number of truck movements / loads required, dust mitigation, disposal costs and the rehabilitation of the dune and surrounding area, and any damage to Council's roads and infrastructure.

Upon acceptance of the bond amount, Council will arrange an invoice for the agreed amount.

The bond must be paid prior to the issue of a Construction Certificate.

Reason: To ensure that any required repairs and/or maintenance works are carried out during the lifetime of the consent, and that the geobag coastal protection works will be removed when required. Council can use the bond to arrange for removal of the geobag coastal protection works in the event that Condition A2, F2 and F3 are not complied with, in addition to compliance action.

B7 Section 7.12 Levy to be Paid

Prior to the issue of a construction certificate the section 7.12 levy required by the Byron Developer Contributions Plan 2012 must be paid to Council.

The levy will be calculated as follows:

Levy payable = %C x \$C

- %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 7.17.
- \$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development must be calculated in accordance with clause 25J of the Regulation. The Cost Summary Report (copy attached) as set out in schedule 2 of the Section 7.12 contributions plan must be submitted to Council with the payment.

The cost summary report must be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from Council's website.

Reason: To ensure developer contributions are paid.

B8 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.

Reason: To ensure Long Service Levy for Construction Workers is paid.

PART C: PRIOR TO CONSTRUCTION WORK COMMENCING

C1 Erosion and Sediment measures

Erosion and sedimentation controls are to be in place in accordance with the [*Guidelines for Erosion & Sediment Control on Building Sites*](#). Particular attention is to be given to the provision of the following sediment and erosion control measures:

- a. Temporary driveway from the edge of road to the building site;
- b. Temporary downpipes immediately installed after the roof has been erected;
- c. Silt fence or sediment barrier.

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

Reason: To ensure that erosion and sedimentation measures are installed.

C2 Survey of proposed works location

The location of the approved works on the site is to be established by a suitably qualified Surveyor and must comply with this approval including all activities to remain inside the lot boundaries.

Reason: To ensure works remain inside the lot and do not result in avoidable biodiversity impacts.

C3 Protection of Native Trees

All trees to be retained as a requirement of this development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

Trees are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites (Standards Australia 2009). The fence must:

- a. Be located outside the dripline of the tree so as to minimise disturbance to tree roots;
- b. have a minimum height of 1.8 metres;
- c. be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2metres between star pickets;
- d. have a minimum of 3 strands of steel wire or similar;
- e. have high visibility barrier mesh (e.g. orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter;
- f. include at least one Tree Protection Zone (TPZ) sign in accordance with Section 4.4 of AS4970-2009.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment and storage of material.

Reason: To ensure works do not result in avoidable biodiversity impacts.

C4 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 or be a building and construction site portable chemical toilet.

Only one (1) such portable chemical toilet may be used during construction, should additional toilets be required during the construction they must be either:

- a. Connected to an accredited sewage management system approved by the Council. or
- b. Not installed or used until such time that approval under Section 68 of the Local Government Act 1993 is obtained for the installation of a human waste storage facility.

Note: The chemical toilet must be installed and serviced by a licensed contractor (including pump-outs)

Reason: To provide appropriate amenities for construction workers are provided.

PART D: CONSTRUCTION CONDITIONS

D1 Construction Hours

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction works.

D2 Construction Noise

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To ensure the amenity of the area is maintained during construction works.

D3 Sediment and Erosion Control

Appropriate sedimentation and erosion controls must be installed and maintained at all times during any maintenance operations to limit impacts on adjacent vegetation, Belongil Beach and the Belongil Estuary.

Reason: To ensure the water quality of the area is maintained during construction works.

D4 Protection of Native Trees

All trees to be retained as a requirement of this development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites. Trees are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of AS4970-2009 Protection of trees on development sites (Standards Australia 2009).

Fencing required to protect trees to be retained is to be maintained for the duration of all works. During works all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained.

Activities that are excluded within the TPZ (as per section 4.2 of AS4970-2009) include excavation, construction activity, grade changes, surface treatment and storage of material.

If these activities are required inside the site and adjacent to the TPZ of any tree, they may only occur under the supervision of a project arborist (minimum AQF level 5 qualified arborist).

No building materials or other items are to be placed or stored within the fenced off areas.

Reason: To ensure protection measures are in place to ensure works do not result in avoidable biodiversity impacts.

D5 Biodiversity Protection and Management

Existing trees and native vegetation on the site are to be retained and protected from damage during any maintenance work, with the exception of the trees that have died or collapsed onto the beach. Dead or collapsed tree removal shall be carried out by an appropriately qualified person to avoid any risk to life or damage to property and must have with adequate public liability insurance.

In order to protect biodiversity values, the following shall be complied with:

- No native trees are to be cleared for this development. Trees that have been severely damaged or killed by coastal erosion can be used for dune stabilization.
- Works must not commence until the works area has been inspected by a suitably qualified and experienced individual for the presence of all fauna species.
- If a marine turtle nest is identified within 30 metres of a work area then it must be notified to NPWS and advice obtained on measures to avoid and mitigate any impacts from proposed works
- If a shorebird nest is identified within 30 metres of a work area then it must be notified to NPWS and advice obtained on measures to avoid and mitigate any impacts from proposed works
- If unexpected protected or threatened fauna are encountered, then work must stop immediately, and a qualified ecologist or wildlife carer must be contacted and relevant fauna spotter/catcher protocols must be followed to prevent harm to wildlife
- All native vegetation used in rehabilitation areas is to be endemic to Byron Bay
- All machinery is to be clean prior to entering the subject land to ensure that weed seeds and propagules are not imported
- Contingencies are required to address the risk of bushfire, including spark arrestors and suspending works in high bushfire danger periods.

Reason: To protect biodiversity on the site.

D6 Visual Impact and Beach Amenity

Dune stabilisation and restoration works or maintenance shall use screening and dune forming fencing material with sandy, earth or green tones to reduce visual impacts.

Any screening or dune forming material currently in use that is not sandy, earth or green tones will be replaced.

Reason: To ensure screening and fencing does not impact unnecessarily on the

scenic amenity of the locality.

D7 Signs to be erected on the works 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.

Reason: To protect the public during construction work.

D8 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.

Reason: To ensure the water quality of the local waterways is maintained during construction works.

D9 Discovery of Aboriginal Objects

While any work is being carried out, all such works must cease immediately if an Aboriginal object is unexpectedly discovered. The applicant must notify Heritage NSW, BoBBAC and Byron Shire Council immediately.

In this condition: "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of Aboriginal objects of potential significance during works.

D10 Discovery of Contamination

Should any contaminated, scheduled, hazardous or asbestos containing material be discovered before or during works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D11 Works must be located inside the site– survey pegged out

The location of the nearest lot boundary and location of all approved works on site, established by a suitably qualified Surveyor must remain pegged out and clearly limit the extent of the location of all works accessible to construction workers to comply with this consent.

Reason: To ensure works remain inside the lot and do not result in avoidable biodiversity impacts.

PART E: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

E1 Certification

At the completion of works, an Occupation Certificate is to be issued by the Principal Certifying Authority (PCA).

Prior to issuing the Occupation Certificate, the PCA is to be provided with certification from Royal HaskoningDHV to the effect that the geobag coastal protection works have been constructed in accordance with all approved documents and plans including those amended by this consent (Condition B1).

Reason: To ensure that the works have been constructed in accordance with approved plans and specifications.

E2 Works to be completed prior to issue of a Final Occupation Certificate

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Reason: To ensure all works are complete.

E3 Works Location Survey

A final survey of the geobag wall is to be submitted to Council demonstrating that all parts of the structure are in accordance with the approved plans and wholly within the property boundary and no aspect of the wall or associated maintenance works encroaches into the adjoining Coastal Reserve.

Reason: To ensure works remain inside the lot and do not result in avoidable biodiversity impacts.

PART F: DURING THE LIFE OF THE GEOBAG COASTAL PROTECTION WORKS AND REMOVAL

F1 Monitoring and Management / Maintenance Plan

The approved Monitoring and Management / Maintenance Plan shall be implemented for the full 5-year term of the consent. Implementation of the approved plan, and any costs associated with it, shall be the responsibility of the landowner.

Reason: To ensure that the works are carried out by the landowner in accordance with all documents approved by this consent and the objects of the Environmental Planning and Assessment Act 1979.

F2 Removal Plan

The removal of the geobags and all associated works must be undertaken in accordance with the approved plans at the full cost of the landowner and documents including attention to timely consultation with Council and securing any necessary approvals from relevant authorities prior to the removal works, if required at that time.

Reason: To ensure that the works are removed at the end of the time limited consent period.

F3 Post Removal Rehabilitation Plan

The rehabilitation of the land must be undertaken in accordance with the approved post removal rehabilitation plan at the full cost of the landowner.

Reason: To ensure that the site is rehabilitated and maintained for a reasonable period after the geobags have been removed.

F3 Final Survey

Upon completion of approved removal works a final survey of the site is to be submitted to Council demonstrating that all removal and rehabilitation works have been undertaken in accordance with the approved removal and rehabilitation plans and that no residual material or structures remain on the land or the adjoining Coastal Reserve.

Reason: To ensure that the works are fully removed, the site is rehabilitated, and no structures are left on the site at the end of the time limited consent period.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 2, Subdivision 1 of the Environmental Planning and Assessment Regulation 2021 as at the date of this development consent as are of relevance to this development must be complied with.

Refer to the [Environmental Planning and Assessment Regulation 2021](http://www.legislation.nsw.gov.au), *Division 2, Subdivision 1* of for full text of the above clauses. This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

Department of Planning and Environment



Contact: Department of Planning and Environment-Water
Phone: 1300081047
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10681
Your ref: 10.2023.287.1

15 August 2024

The General Manager
BYRON SHIRE COUNCIL
70 STATION STREET MULLUMBIMBY 2482

Attention: Ben Grant

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10681 - Integrated Development Referral – General Terms of Approval
Dev Ref: 10.2023.287.1
Description: Extension to existing coastal protection works
Location: Lot 1, DP1215893, 145 BAYSHORE DRIVE BYRON BAY 2481

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment-Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, Department of Planning and Environment-Water requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment-Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

The attached GTA issued by the Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at:
<https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment-Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment-Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS-2023-10681
Issue date of GTA: 15 August 2024
Type of Approval: Controlled Activity
Location of work/activity: Lot 1, DP1215893, 145 BAYSHORE DRIVE BYRON BAY 2481
Waterfront Land: Belongil Creek
DA Number: 10.2023.287.1
LGA: BYRON

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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|---------|---|
| TC-G001 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000. |
| TC-G002 | <p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application 10.2023.287.1 provided by Council to Department of Planning and Environment-Water</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.</p> |
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Department of Planning and Environment



Contact: Department of Planning and Environment-Water

Phone: 1300081047

Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2025-10450 (IDAS-2025-10032)

Your ref: 10.2023.287.2

31 July 2025

The General Manager
BYRON SHIRE COUNCIL
70 STATION STREET MULLUMBIMBY 2482

Attention: Patricia Docherty

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2025-10450 (IDAS-2025-10032) - EP&A cL55 Submission of amended plans – General Terms of Approval
Dev Ref: 10.2023.287.2
Description: Extension to existing coastal protection works
Location: Lot 1, DP1215893, 145 BAYSHORE DRIVE BYRON BAY 2481

The Department of Planning and Environment-Water has reviewed the additional and/or amended documents for the integrated Development Application (DA) proposed for the above location and considers that, for the purposes of the Water Management Act 2000 (WM Act), previously issued General Terms of Approval are adequate, remain current, and no further assessment by this agency is necessary.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Department of Planning and Environment-Water should be notified.

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry:
<https://www.dpie.nsw.gov.au/water/water-assist>

Yours Sincerely

For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water

Department of Planning and Environment



Contact: Department of Planning and Environment-Water
Phone: 1300081047
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2025-10032 (IDAS-2023-10681)
Your ref: 10.2023.287.2

6 February 2025

The General Manager
BYRON SHIRE COUNCIL
70 STATION STREET MULLUMBIMBY 2482

Attention: Patricia Docherty

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2025-10032 (IDAS-2023-10681) - Section 4.55 Modification Referral – General Terms of Approval
Dev Ref: 10.2023.287.2
Description: Extension to existing coastal protection works
Location: Lot 1, DP1215893, 145 BAYSHORE DRIVE BYRON BAY 2481

The Department of Planning and Environment-Water has reviewed documents for the above application to modify a DA Consent and considers that, for the purposes of the Water Management Act 2000 (WM Act), previously issued General Terms of Approval are adequate, remain current, and no further assessment by this agency is necessary.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Department of Planning and Environment-Water should be notified.

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry:
<https://www.dpie.nsw.gov.au/water/water-assist>

Yours Sincerely

For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water

SCHEDULE 4. 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 for a Construction Certificate must be made online using the [NSW Planning Portal](#).

Principal Certifying Authority:

Work must not commence until the applicant has:

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. 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'.
- c. 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.

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) 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
- b) 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).

Fire Ants

The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the [Biosecurity \(Invasive Ant Carriers\) Control Order 2023](#) (including

any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;
- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifying Authority with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within five kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.