

# Engineering Referral

#A2021/21482

<b>DA No.</b>	<b>10.2017.201.2</b>
<b>Proposal:</b>	S4.55 to Modify Staging, Timeframes and Consequential Amendments
<b>Property description:</b>	LOT: 2 DP: 542178, LOT: 1 DP: 542178, LOT: 227 DP: 755695, LOT: 7020 DP: 1113431, LOT: 9 DP: 111821, LOT: 229 DP: 755695, LOT: 1 DP: 1166535, LOT: 5 DP: 1222674, LOT: 6 DP: 1222674, LOT: 3 DP: 551947 394 Ewingsdale Road BYRON BAY, 342 Ewingsdale Road BYRON BAY, Ewingsdale Road EWINGSDALE, 22B Melaleuca Drive BYRON BAY, 22A Melaleuca Drive BYRON BAY, 310 Ewingsdale Road BYRON BAY
<b>Parcel No/s:</b>	151400, 270451, 114330, 270450, 114320, 241870, 238016, 114350, 270452, 241616, 268571, 268572, 21670
<b>Applicant:</b>	Villa World Byron Pty Ltd
<b>Owner:</b>	Telicove Pty Ltd
<b>Zoning:</b>	Zone No. DM Deferred Matter
<b>Planning Officer:</b>	Mr I C Holland
<b>Referral Date:</b>	16 June 2021

This engineering assessment is based on the following documents:

Date	Description	TRIM Doc. No.
16/6/21	SEE	E2021/81141
16/6/21	Staging Plan	E2021/81147

## RECOMMENDATION

Not supported from an engineering viewpoint due to the reasons provided at the end of this report

[Click here to enter any comments.](#)

Renan Solatan

22 September 2021

### Administration use only

- ☐ Check if Engineer has granted Roads Act approval, please create 51 register and determine it, need to also place payments on the DA – Fee Codes RAA \$105 and RAI \$310
- ☐ Lock Assessment Report
- ☐ Print full Assessment Report for file with sign off included by engineer.

### \*\* Administration Instructions\*\*

- ☐ Update tracking item outcome as 'COMP'
- ☐ Lock document.
- ☐ Place referral and documents with Stamped plans on trolley for delivery to Planner

**PLEASE RETURN REFERRAL TO ADMIN TRAY**

## Modify the following

### Parameters of Consent

1. Condition 1 ..... List of Approved Plans
2. Condition 3 ..... Development staging
3. Condition 4 ..... Staging progression

### Prior to issue of a Subdivision Works Certificate for subdivision works

4. Condition 10 ..... Environmental restoration
5. Condition 11 ..... Groundwater monitoring
6. Condition 13 ..... Groundwater reporting (correlated with condition 4 & 35)
7. Condition 16 ..... Groundwater management
8. Condition 20 ..... Maximum disturbed area
9. Condition 22 ..... Mater Stormwater management plan
10. Condition 23 ..... Stage specific stormwater management plan
11. Condition 26 ..... Construction Traffic Management
12. Condition 27 ..... Bayshore drive roundabout approach
13. Condition 30 ..... Probable maximum flood evacuation plan
14. Condition 31 ..... Biodiversity and vegetation management plan
15. Condition 32 ..... Acid frog management plan
16. Condition 33 ..... Baseline surface water quality assessment
17. Condition 42 ..... Engineering construction plan
18. Condition 51 ..... Long-term delivery of environmental restoration and management
19. Condition 55 ..... Lot 69 and 70 Sight distance
20. Condition 56 ..... Road safety measures
21. Condition 57 ..... Access to Lot 2 DP551947
22. Condition 58 ..... Emergency access provision

### Prior to commencement of subdivision works

23. Condition 64 ..... Generic acid sulfate soil management plan for landowners

### Prior to issue of a Subdivision Certificate for each Stage of the subdivision

24. Condition 91 ..... Section 88B instrument
25. Condition 92 ..... Section 88E instrument
26. Condition 104 ..... Landscaping completion and maintenance bond paid
27. Condition 112 ..... Emergency access bond

## ASSESSMENT

The main assessment is focused on Condition 3 and all other proposed modified conditions are associated with this condition.

1. Condition 3 ..... Development staging

### Justification

It is specific, that any subsequent construction stage, as defined under Condition 3, cannot proceed until the previous stage is completed

### Recommendation

*The proposed staging is not supported.*

The sequence of the current staging has been designed to address the engineering and environmental objectives of the development and have considered all the necessary supporting documentations relevant to deliver works for each stage whereas the proposed condition is so imprecise that the delivery of the works for each stage may not follow the appropriate sequence which may result in adverse impact to the environment.

## Review of Existing Condition

### Staged development

The development is to be carried out in the following stages as per the approved staging plans (Planit Consulting, 0600, Rev B, 27/8/20):

Stage 1- A:	The environmental restoration and enhancement and landscaping works within Stage 1, 6 and 7, including the Ewingsdale Road buffer. This is as referenced in the Rehabilitation Plan – Zone 5 (J5644-505), and is subject to the updated Landscape Plan required by condition 36.
Stage 1- B:	Lots 1 – 18, 29 – 34, 58 - 61 and 146 including all swales and the permanent basin shown as Stage 1 works in Drawings 0610 Rev C and 0611 Rev B, noise/acoustic barriers for lots 1 to 11 and the items detailed at a) and b) below.
Stage 2:	Lots 19 - 28, 35 – 50 including the permanent basin shown as Stage 2 works on Drawing 0620 Rev B.
Stage 3:	Lots 72 – 86 and 147 including all swales shown as Stage 3 works on Drawing 0630 Rev B.
Stage 4:	Lots 51 – 57, 62 – 71 including all swales shown as Stage 4 works on Drawing 0640 Rev C, the Main Drain embellishment works as described by the SWMP (Version E, 27/8/20) and Road 9 construction from the intersection with Road 01 to the boundary with the neighbouring land as shown in Drawing 0304 Rev B.
Stage 5:	Lots 87 – 114 including all swales shown as Stage 5 works on Drawing 0650 Rev C.
Stage 6:	Lots 115 – 145 including all swales shown as Stage 6 works on Drawing 0660 Rev B and noise/acoustic barriers (as identified in the Environmental Noise Impact Assessment (Ref:crgref: 16147 report rev.6 CRG Acoustics 25 August 2020)), subject to the detailed design requested by Conditions 36 and 38, excluding the items detailed at a) below.
Stage 7:	Lots 148 and 149, excluding the items detailed at b) below.

The development is to progress sequentially as per the stages above, with the previous stages being complete to Council's satisfaction prior to works commencing on the next stage. A maximum of one (1) stage may be under construction at any one time with only the following exceptions:

a) Stage 6 – Landscaping, vegetation planting, drain embellishment, construction of pathways, cycle ways and other public recreation infrastructure within the Ewingsdale Road buffer area of Stage 6, in accordance with the relevant drawings and plans including Landscape Sections, J5644\_505, J6539\_101, J6539\_102, J6682, Landscape Masterplan, to be carried out during Stage 1-A.

b) Stage 7 – Frog habitat creation and vegetation rehabilitation/enhancement within Stage 7, in accordance with the relevant drawings and plans including the Acid Frog Management Plan (Rev D, 26/8/20), Biodiversity Conversation Management Plan (Version E, 27/8/20) and Drawings J5644\_02, J5644\_03, J5644\_04, J5644\_503, J5644\_504, J6682, SK090, to be carried out during Stage 1-A.

Where roads terminate on stage boundaries, temporary turning heads in line with relevant requirements of the Northern Rivers Design Guides (<https://www.byron.nsw.gov.au/Services/Building-development/Plans-maps-and-guidelines/Development-Design-Manuals>) and the General Terms of Approval from NSW Rural Fire Service (Schedule 1) are to be provided to facilitate turning for all vehicles.

Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage. For clarity, if a condition of consent requires a matter to be addressed prior to the issue of a Subdivision Works Certificate and does not specify a stage of development for the issue of that Subdivision Works Certificate, it is taken to be applicable to each separate stage. That is, the condition must be satisfied prior to the issue of a Subdivision Works Certificate for each stage.

The relevant conditions that are applicable to each stage are the conditions stated as being necessary for the completion of each stage in this consent., or, where pursuant to the issue of a Construction Certificate, the relevant consent authority.

### Summary of the proposal

Proposed Stage	No of Lots	Existing Stage	No of Lots	Engineering Works	Other Works
1	55	1-A	0	No	Environmental restoration and enhancement and landscaping
		1-B	29	Road & stormwater	noise/acoustic barriers for lots 1 to 11
		2	26	Road & stormwater	
		6	0	No	noise/acoustic barriers stipulated in 16147 report rev.6 CRG Acoustics 25 August 2020. Landscaping, vegetation planting, drain embellishment, construction of pathways, cycle ways and other public recreation infrastructure within the Ewingsdale Road buffer area
Total	55	Total	55		
2	35	3	16	Road & stormwater	
		4	17	Road & stormwater	
		7	2		Frog habitat creation and vegetation rehabilitation/enhancement
Total	35	Total	35		
3	59	1-A	0	No	
		5	28	Road & stormwater	
		6	31	Road & stormwater	Landscaping, vegetation planting, drain embellishment, construction of pathways, cycle ways and other public recreation infrastructure within the Ewingsdale Road buffer area
Total	59	Total	59		
Grand Total	149	Grand Total	149		

### Comparison Table

#### Proposed Condition

##### Staged Development

The development is to be carried out in stages as per the approved Staging Plan (J7036\_001 Rev 03).

The development is to progress sequentially as per the approved Staging Plan, with the previous stage being completed to Council's satisfaction prior to works commencing on the next stage.

Multiple Subdivision Works Certificates may be issued for works required within each stage, to allow components such as environmental restoration, landscaping and bulk earthworks to occur independent to civil design and infrastructure works. Subdivision Works Certificates can be issued where works are proposed outside of the staging boundary for the respective stage, when associated with the delivery of that stage. Environmental restoration, enhancement and landscaping works do require a Subdivision Works Certificate though certificate/s for these works can be issued out-of-sequence with the approved Staging Plan.

Condition 10 specifies the first Subdivision Works Certificate for the Estate. No other Subdivision Works Certificate can be issued until Condition 10 has been satisfied.

#### Assessment of the Proposed Condition

##### Proposal

Multiple Subdivision Works Certificates may be issued for works required within each stage

##### Justification

- To allow components such as environmental restoration, landscaping and bulk earthworks to occur independent to civil design and infrastructure works
- Subdivision Works Certificates can be issued where works are proposed outside of the staging boundary for the respective stage, when associated with the delivery of that stage.
- Environmental restoration, enhancement and landscaping works do require a Subdivision Works Certificate though certificate/s for these works can be issued out-of-sequence with the approved Staging Plan

##### Discussion

Generally, the issuance of multiple SWC is permissible, however this does not require the specification of multiple subdivision certificates within the consent.

The impact of the proposal is unclear in comparison to the existing staging plan. The sequence of the existing staging plan has been designed to ensure the construction delivery will mitigated or

minimise the environmental impact and be able to monitor the environmental effects of the throughout the whole development process.

Further, the proposal hasn't clearly identified which applicable engineering and management plans are required for any specific stage.

The existing conditions describes a clear sequence of engineering works with consideration to Groundwater Monitoring, Acid Frog Management, and other environmental constraints.

### Summary of Assessment

Condition	Title of Condition	Engineering Assessment	Condition Comments
1	List of Approved Plans	yes	no change
3	Development staging	yes	not supported
4	Staging progression	no	
10	Environmental restoration	no	
11	Groundwater monitoring	no	
13	Groundwater reporting (correlated with condition 4 & 35)	no	
16	Groundwater management	no	
20	Maximum disturbed area	yes	still applicable
22	Mater Stormwater management plan	yes	still applicable
23	Stage specific stormwater management plan	yes	still applicable
26	Construction Traffic Management	yes	still applicable
27	Bayshore drive roundabout approach	yes	still applicable
30	Probable maximum flood evacuation plan	yes	still applicable
31	Biodiversity and vegetation management plan	no	
32	Acid frog management plan	no	
33	Baseline surface water quality assessment	no	
42	Engineering construction plan	yes	still applicable
51	Long-term delivery of environmental restoration and management	no	
55	Lot 69 and 70 Sight distance	yes	still applicable
56	Road safety measures	yes	still applicable
57	Access to Lot 2 DP551947	yes	still applicable
58	Emergency access provision	yes	still applicable
64	Generic acid sulfate soil management plan for landowners	no	
91	Section 88B instrument	yes	still applicable
92	Section 88E instrument	yes	still applicable
104	Landscaping completion and maintenance bond paid	no	
112	Emergency access bond	yes	still applicable