

Bega Showground Land Managers &
PLANNED Town Planning Solutions
2 Upper Street
BEGA NSW 2550

NOTICE OF DETERMINATION

under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by Bega Valley Shire Council granting consent subject to the conditions specified below.

DEVELOPMENT APPLICATION	2022.453
APPLICANT	Bega Showground Land Managers & PLANNED Town Planning Solutions
LAND	Lot: 1 Sec: 49 DP: 758076 and Lot: 2 Sec: 49 DP: 758076
LOCATION	2 Upper Street BEGA
ZONE	RE1 Public Recreation
PROPOSED DEVELOPMENT	Alterations and Additions to Bega Showground Facility and boundary adjustment
DETERMINATION MADE ON	-
CONSENT TO OPERATE FROM	-
CONSENT TO LAPSE ON	-

Conditions of approval

General

1. Approved development plans

The development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
Architectural Plan set (DWG. No 4351) prepared by Gordon Building Design Pty Ltd	A-100 – Cover Sheet, Revision 03, 29-03-2023
	A-101 – Location Plan, Revision 03, 29-03-2023
	A-102 – Site Plan, Revision 03, 29-03-2023
	A-103 – Detail Site, Revision 03, 29-03-2023
	A-104 – Parking Concept, Revision 04, 21-06-2023
	A-111 – Services / Survey, Revision 03, 29-03-2023
	A-113 – Landscaping Plan, Revision 03, 29-03-2023
	A-151 – Lower Floor, Revision 03, 29-03-2023
	A-152 – Upper Floor, Revision 03, 29-03-2023
	A-153 – Dining Layout, Revision 03, 29-03-2023
	A-154 – Seating Layout, Revision 03, 29-03-2023
	A-155 – Roof Plan, Revision 03, 29-03-2023
	A-171 – Detail Layout 1, Revision 03, 29-03-2023
	A-172 – Detail Layout 2, Revision 03, 29-03-2023
	A-201 – Elevations 1, Revision 03, 29-03-2023
	A-202 – Elevations 2, Revision 03, 29-03-2023
	A-301 – Sections 1, Revision 03, 29-03-2023
	A-302 – Sections 2, Revision 03, 29-03-2023
	A-303 – Sections 3, Revision 03, 29-03-2023
	A-311 – Grid Sections 1, Revision 03, 29-03-2023
	A-312 – Grid Sections 2, Revision 03, 29-03-2023
	A-601 – G.F.A Plan, Revision 03, 29-03-2023
	A-602 – Schedules, Revision 03, 29-03-2023

	A-603 – Sediment and Erosion Control, Revision 03, 29-03-2023
Access Report prepared by Eric Martin and Associates	Reference 21263, 06-12-2022
Environmental Noise Impact Assessment prepared by Day Design Pty Ltd	Reference 7496-2.1R, 12-12-2022
Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering	Reference 210223.01FA, 10-01-2023
BCA Assessment Report prepared by Steve Watson & Partners	Reference 2022/0814 R1.1
Landscape Plan prepared by Ben Kaye Garden Design	Reference 2022.09.BSCC.A0.2, 02-2023
Statement of Heritage Impact prepared by Eric Martin and Associates	Reference 21263, 06-12-2023
Stormwater Drainage Concept Plan prepared by Marshman O'Neill	C1.1 – Roof Stormwater, 11-2022 C1.2 – Ground Surface Stormwater, 11-2022
Site Boundary Realignment	Sheet 0-102, 11/8/2023
Proposed subdivision Plan prepared by Michael G Collins	Surveyor Ref: 74194 Dated 9/12/2022

2. Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that code as in force on the date the application is made for the relevant construction certificate.

3. Application to connect to existing sewer service

A separate application to obtain approval to connect to Council's sewerage system under Section 68 of the Local Government Act 1993 must be submitted to Council for approval (copy attached). A plumbing and drainage design plan is to be submitted with the application to Council.

4. Operational Noise Limits

The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the following table:

Table 1 Noise Limits dB(A)

Location	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _A Fmax
All residential receives	40	37	34	52

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

5. Accessible car parking

Car parking spaces provided for people with disabilities shall be designed and constructed to comply with requirements of AS/NZS 2890.6:2009 (Off-street parking for people with disabilities).

Note: An accessible path of travel is required from the designated car space to the principal entrance of the building.

6. Above Ground LPG Tanks

The design, construction, commissioning and operation of the installation storing Liquid Petroleum Gas must comply with AS/NZS 1596:2014 The Storage and Handling of LP Gas.

7. Unexpected Finds Protocol

If any item or object of Aboriginal heritage significance is identified on site:

- all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- Heritage NSW must be contacted immediately.

Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

Other Approvals

8. Other approvals

The development shall comply with the other approvals issued pursuant to Section 4.12(5) of the Environmental Planning and Assessment Act, 1979 (under Section 68 of the Local Government Act 1993), being:

- Section 68 Connect to Council's sewer service – Carry out sewerage work
- Section 68 Connect to Council's water service – Carry out water supply work
- Section 68 Discharge Liquid Trade Waste to Council's Sewer

9. Application for Liquid Trade Waste Approval

An application to obtain approval to discharge liquid trade waste to Council's sewage system under Section 68 of the Local Government Act 1993 must be submitted to Council for approval. If the applicant is not the owner of the premises, the applicant must obtain the owner's consent to the application.

Prior to demolition

10. Protection of water assets - partial demolition

All internal water lines to the existing structure(s) to be demolished on the property shall be disconnected from the existing internal service and capped off to avoid any damage during construction of the new building(s).

11. Protection of sewer assets - partial demolition

All internal sewer drainage pipework shall be flushed, disconnected outside the construction area(s) of the proposed buildings to be demolished and the internal drainage capped off to avoid any construction materials entering Council's reticulated sewerage system.

12. Inspection of capped off services

Each capped off sewer and water service shall be inspected by Council's Water and Sewerage Quality Assurance Officer.

Note: Please contact Council to arrange for inspection(s).

Prior to issue of Construction Certificate (Building)

13. Section 7.11 or 7.12 contributions (formerly Section 94 and Section 94A)

Payment to Council of the following contributions pursuant to Section 7.11 or 7.12 (formerly Section 94 and Section 94A) of the *Environmental Planning and Assessment Act* and *Bega Valley Section 94 and 94A Contributions Plan 2014*.

Contribution type	\$ Total	Allocation No.
Section 7.12 contribution	\$170,498.45	W5307.1651.1416

Indexation: Where the monetary contribution is not paid before the first anniversary of the date of this development consent, the contribution amount must be indexed between the date of the consent and the date of payment, in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

Time for payment: Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

14. Loading and Unloading Plan

Prior to the issue of a construction certificate the proposed loading and unloading areas and truck manoeuvring areas must be shown on a revised site plan to the satisfaction of Council.

15. Screening of plant and equipment

Details of the proposed screening of roof top ducts, air conditioning and plant equipment shall be submitted for approval by Council.

16. Colour and materials schedule

A detailed colour and building materials schedule shall be submitted to and approved by Council. The schedule shall include:

- a) External building finishes (including glazing treatments),
- b) A colour palette (including colour samples).

17. Lighting plan

A Lighting Plan, prepared by a suitably qualified and experienced lighting engineer, is to be submitted to the Principal Certifying Authority in accordance with the relevant Australian Standard.

18. Engineering design plans for carparking areas

Engineering design plans for the accessible car parking spaces shall be prepared and certified by a suitably qualified and experienced chartered professional engineer (or equivalent) and submitted to Council.

19. Excess fill to be deposited at approved site

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council.

20. Structural Engineer's Details

The following details from a suitably qualified and insured Structural Engineer shall be submitted for assessment when applying for a Construction Certificate:

- a) Footings;
- b) Reinforced concrete slabs;
- c) Retaining walls over 600mm in height;
- d) Structural steelwork; and
- e) Wall, subfloor bracing and tie-down requirements;
- f) Other.

21. Payment of Long Service Levy

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

Proof of payment is to be submitted to Council.

The levy can be paid through the LSL Portal at www.longservice.nsw.gov.au

Note: The Long Service Levy is a State Government Levy, not a Council fee.

22. Contractor's insurance (Public Works)

Each contractor engaged in the construction of public works (such as road work, kerb and guttering, footway construction, stormwater drainage, water supply, sewerage works and environmental controls) must provide evidence of public liability insurance (minimum \$20,000,000.00) endorsed to note the contractor and Council for their rights and interests.

Prior to construction work commencing

23. Vegetation removal

No vegetation shall be removed or destroyed unless;

- (a) identified on the approved plans, or
- (b) required to comply with any other condition of this consent in relation to such matters as servicing or provision of Asset Protection Zones.

24. Protect trees and sensitive areas during construction

All trees not identified for removal are to be retained, must be enclosed with protective fencing to prevent them being damaged during the construction period in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

25. Support and protection for neighbouring buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of Clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (a) protect and support the adjoining premises from possible damage from excavation, and
- (b) where necessary, underpin adjoining premises to prevent any such damage.

The condition does not apply if the person having benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Compliance with the requirements of WorkCover NSW is required and a copy of such requirements is to be submitted to the Principal Certifying Authority.

26. Removal of excavated material

No excavated material is to leave the site until Council has been provided with the following information for approval:

- a) a complete list of all destination sites for the excavated material;
- b) a report providing details as to how material will be transported, so there is no dust nuisance and/or material deposited along public roads;
- c) a transport route for cartage vehicles.

27. Appoint PCA

The person having the benefit of the Development Consent and a Construction Certificate shall:

- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
- b) notify Council of their intention to commence the erection of the building (at least 2 days' notice is required).

The Principal Certifying Authority shall determine when inspections and compliance certificates are required.

28. Traffic Guidance Scheme

No work shall be carried out within six metres of the carriageway of a public road subject to motor vehicle traffic until Council has sighted a satisfactory Traffic Guidance Scheme relating to that work, and the relevant Roads Authority has issued any associated Roadworks Speed Limit.

The Traffic Guidance Scheme shall be prepared by a person who is authorised by the Transport for New South Wales to prepare these plans. Evidence of Certification must be submitted with the Traffic Guidance Scheme.

All measures described in the Traffic Guidance Scheme shall be implemented and maintained for the duration of any work within/adjacent to the road carriageway.

29. No works until erosion and sediment controls in place

Site disturbance must not be commenced until erosion and sediment controls are installed in accordance with the Sediment and Erosion Plan prepared by Gordon Building Design Pty Ltd and dated 29-03-2023.

During construction

30. Maintenance of site

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- d) During construction:
 - i. All vehicles entering or leaving the site must their loads covered, and
 - ii. All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- e) At the completion of the works, the work site must be left clear of waste and debris.

31. Earthworks, retaining walls and structural support

- a) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - i. Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - ii. Must not redirect the flow to any surface or ground water or cause sediment to be transported onto an adjoining property, and

- iii. That is fill brought to the site – must contain only virgin excavated natural material (VENM) *as defined in* Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - iv. That is excavated soil to be removed from the site – must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) regulation 2005*.
 - b) *Any excavation must be carried out in accordance with Excavation Work:Code of Practice (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia*
32. Private stormwater drainage
- Construction of stormwater drainage works as necessary to convey runoff from roof and paved areas of the development to public roads or Council controlled drainage systems. Any design shall be in accordance with Council's Development Specification D5, Stormwater Drainage Design and AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.
- Stormwater disposal design to be generally in accordance with the *STORMWATER DRAINAGE CONCEPT PLAN*, by Marshman O'Neill Engineers, Job No AC21045, dated 23/11/22.
33. Inspection of stormwater junction required
- Inspection required for residential stormwater cut-in to the Council controlled system (pits and pipes). Please call Council's Development Engineers to book inspection.
34. Food Premises General
- The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards including:
- *The Food Act 2003*
 - *Food Regulation 2015*
 - *Food Standards Australia and New Zealand – Food Standards Code 2001*
 - *AS 4674- 2004 Australian Standards for Design, Construction and Fit out of Food Premises Mechanical ventilation – Australian Standard 1668.2-2012*
35. Removal of gross pollutants
- Construction of a facility to reduce the volume of gross pollutants discharged downstream of the development. Pollutant retention criteria:
- POST CONSTRUCTION STORMWATER MANAGEMENT TARGETS POLLUTANT RETENTION CRITERIA
- Suspended Solids 80% of average annual load
- Total Phosphorus 45% of average annual load
- Total Nitrogen 45% of average annual load
- Gross Pollutants >5mm 70% of average annual load
- Litter > 50mm Retention up to the 3 month ARI peak flow
- Oil and Grease 90% of average annual load

The above retention criteria relate to “reduction of average annual load” of stormwater pollutants that may be expected from a fully developed catchment or site.

Design of the facility shall be in accordance with Council’s Development Design Specification D7.

Prior to Occupation or Use

36. Plan of Management

Prior to the commencement of use of the site, a Plan of Management must be prepared to the satisfaction of Council. The Plan of Management must:

- a) Include measures to ensure the use of the Community Centre and Showground Pavilion is restricted to 400 patrons at any given time;
- b) Provide detailed measures to ensure the recommendations of the Environmental Noise Impact Assessment prepared by Day Design Pty Ltd and dated 12 December 2022 are implemented for every event;
- c) Restrict the use of the Community Centre and Showground Pavilion to one night-time event (with hours between 8pm and 11pm) each weekend to a maximum of 40 events per year to provide respite to residents in the locality.
- d) Include a Traffic Management Plan to provide detailed measures to control traffic during events including the use of internal traffic controllers to guide light vehicles to designated informal parking spaces during large events with over 250 patrons expected.
- e) Provide measures to restrict amplified noise to defined levels to ensure noise experienced at all sensitive receivers are below the operational noise limits for the development
- f) Include a complaints handling procedure and measures to provide nearby residents with advanced notification of night-time events and a contact number to direct issues to during events.

The Plan of Management must be implemented to the satisfaction of Council for the life of the development.

37. Boundary adjustment

Prior to the issue of an occupation Certificate, the applicant shall provide Council a copy of the approved plans have been registered with the NSW Land Registry Services for the boundary adjustment between Lot 1 Sec 49 DP 758076 and Lot 2 Sec 49 DP 758076 as depicted on the approved plan set.

38. Development finished in accordance with approved colour/materials schedule

The development shall be finished in accordance with the approved colour and building materials schedule.

39. Lighting system

A lighting system shall be installed in accordance with Australian Standard 4282 “Control of the obtrusive effects of outdoor lighting” (1997) to provide uniform lighting across the common areas and driveways.

40. Lighting of premises to be shielded

The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on adjoining or nearby roads.

41. Reflectivity of materials

The reflectivity from building materials shall not cause any nuisance or interference to existing adjoining or adjacent properties.

42. Landscape works completed

All landscape works shall be completed and maintained at all times in accordance with the approved landscape plan.

43. Carparking in accordance with design plans

All works required in the construction of any on-site car parking, loading/unloading areas and their associated driveways shall be undertaken and completed in accordance with the certified engineering design plans. On completion, the works are to be certified by a suitably qualified and experienced chartered professional engineer (or equivalent). Documentation to this effect shall be submitted to Council.

44. Food premises – final inspection

The food premises shall be inspected prior to occupation by Council's Environmental Health Officer to determine compliance with applicable food legislation.

45. Food shop registration requirements

Occupation of the premises shall not occur until:

- a) a registration form has been submitted to Council for the food premises; and
- b) notification to Council under *Food Safety Standard 3.2.2 Division 2 Section 4 Notification*. This requirement is to be met by notifying through the following website:

www.begavalley.nsw.gov.au

Evidence of compliance of the above shall be submitted to Council prior to occupation.

46. Engineer's certification – development works

Council shall be provided with certification from a suitably qualified and experienced chartered professional engineer (or equivalent) confirming that the stormwater and internal road works satisfy the specified performance and acceptance criteria.

Conditions of use / during occupation

47. Noise Verification Report

Within three months of the commencement of operation of the development, the Applicant must prepare and submit a noise verification report for the development. The noise verification report must:

- (d) be prepared to the satisfaction of Council;
- (e) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:

- (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
- (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022).

(f) include:

- (i) an analysis of compliance with the operational noise limits undertaken in accordance with the NSW Noise Policy for Industry (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Australian Standard 2018);
- (ii) a detailed maximum noise level event assessment undertaken in accordance with the NSW Noise Policy for Industry (EPA, 2017);
- (iii) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and
- (iv) identification of additional noise control measures, excluding at-receiver controls, to be implemented to address any exceedances of the operational noise limits and when these measures are to be implemented and how their effectiveness is to be measured and reported to Council.

48. Lighting of premises to be shielded

The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on adjoining or nearby roads.

49. Reflectivity of materials

The reflectivity from building materials shall not cause any nuisance or interference to existing adjoining or adjacent properties.

50. Erection of signage

No advertising sign shall be erected, painted or displayed without prior approval from Council except those in accordance with any Council or State exempt provisions.

51. Loading operations within the confines of the site

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site at all times (and must not obstruct other properties/units or the public land).

52. No goods on footpath

Goods shall not be displayed on, or sold from, the footpath.

53. Hours of operation

The hours of operation for the development shall be confined to:

- 8 am – 11 pm, Monday to Saturday; and
- 8 am – 10 pm, Sundays and Public Holidays.

54. External storage of goods

External storage of goods, waste or extraneous material shall not occur without the consent of Council.

55. Off-street parking spaces

A minimum of 284 informal off-street car parking spaces shall be provided and made available for car parking during events in accordance with the approved plans and the Traffic Management Plan.

56. Maintenance of stormwater quality improvement devices (SQIDs)

The stormwater quality improvement devices constructed as part of the development shall be maintained by the landowner(s) for the life of the development.

Advisory notes

Essential Energy

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Location of building

It is the owner's responsibility to ensure that the building is located on the correct block of land is located free of any easements/services and satisfies the necessary setbacks as specified by Council's Codes for Local Government Legislation.

Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Existing structures

No approval of existing buildings or structures is granted or implied by this consent.

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.

National Parks and Wildlife Act

The developer's attention is drawn to the requirements of the National Parks and Wildlife Act 1974 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.

If any objects which are suspected of being Aboriginal, including human remains, are identified during development, the following procedure must be followed;

- Immediately cease all work at the particular location
- The find and the immediate area must not be unnecessarily disturbed
- The area of the find must be marked as a no-go area to ensure no inadvertent impacts occur
- Notify the Heritage NSW via the Environment Line on 131 555
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW

Carparking calculations

Car parking requirements have been calculated on the basis of the specified use. Should any change of use be contemplated car parking requirements may need to be re-assessed.

Biosecurity Act 2015

All landowners should be aware of their General Biosecurity Duty under the provisions of the Biosecurity Act 2015 which states; *"any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised"*.

For information on Priority Weeds and the South East Regional Strategic Weed Management Plan contact Council's Vegetation Management Team on 6499 2222.

Change of contact details

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.

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 1800 810 443

Section 64 Contributions

- a. Section 64 of the Local Government Act authorises the Council to issue Certificates of Compliance under section 305 of the Water Management Act 2000.
- b. This non-residential development has had its water and sewerage ET (equivalent tenement) credits assessed for implementation of the high consumption charge, as outlined in Councils operational plan. The ET credits can be found on the Water Management Act 2000-Certificate of Compliance, once issued.

Reasons for the Determination and Consideration of Community Views

- The proposed development, subject to the specified conditions, is consistent with the objectives of the applicable environmental planning instruments, being;
 - Bega Valley Local Environmental Plan 2013
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Planning Systems) 2021
- The proposed development is, subject to the specified conditions, consistent with the objectives of the Bega Valley Development Control Plan 2013
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality
- The proposed development, subject to specified conditions, will not result in unacceptable adverse impacts upon the natural or built environments
- The proposed development is a suitable and planned use of the site and its approval is in the public interest
- Any submission issues raised have been taken into account in the Assessment Report and where appropriate, conditions of consent have been included. Council has given due consideration to community views when making the decision to determine the application.

Reasons for conditions

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 94/94A Development Contribution Plan*.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to appeal to the Land and Environment Court. Section 8.10 of the Act specifies the time within which appeals may be made.

Section 8.7 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

For the purposes only of Section 8.7 of the *Environmental planning and Assessment Act 1979*, if this consent is a deferred commencement consent under Section 4.16 of the Act, Council is deemed to have notified the applicant that Council is not satisfied as to the deferred commencement conditions after 28 days from the date the applicant has provided the applicant's evidence."

Review of determination

Section 8.2 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within sufficient time so as to allow Council to determine the application within the time prescribed by Section 8.3 and be accompanied by the fee prescribed by Section 257 of the *Environmental Planning and Assessment Regulation 2000*. Review provisions do not apply to a determination:

- a) to issue or refuse to issue a complying development certificate, or
- b) in respect of designated development, or
- c) in respect of integrated development, or
- d) made by the Council under Section 116E in respect of an application by the Crown.

Town Planner

FOR BEGA VALLEY SHIRE COUNCIL