

DATE OF DETERMINATION	7 September 2026
DATE OF PANEL DECISION	7 September 2026
DATE OF PANEL MEETING	25 August 2026
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Mitchell Nadin, Russell Fitzpatrick
APOLOGIES	None

The public meeting was held by videoconference on 25 August 2026, opened at 3pm and closed at 4pm. Papers circulated electronically on 5 August 2026.

MATTER DETERMINED

PPSSTH-343 – BEGA VALLEY - DA 2023.351 at 22 Mine Lane, Wolumla (Lot 2 DP 1287077) for

- 1) A Concept Plan for the staged delivery of approximately 391 variably sized residential allotments, one (1) allotment for commercial development and six (6) allotments for delivery of water sensitive urban design infrastructure and public open space.
- 2) Stage 1 subdivision of the development comprising 136 residential allotments, one (1) allotment for future commercial development, four (4) allotments for water sensitive urban design and/or public open space and one (1) residual allotment for potential future stages of development.
- 3) Civil construction works, including: Construction of road works and footpaths; Installation of new sub-surface services/utilities; Bulk earthworks, land contouring and retaining structures; Installation of erosion and sediment controls; Formalisation of water quality and stormwater drainage infrastructure. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Following the public determination meeting, the Panel requested Council provide further information in relation to the following:

- 1) Details of proposed infrastructure planning and delivery arrangements with regard to;
 - proposed kerb and gutter works, funding/developer contribution plans, arrangements and associated timing; and
 - any existing or proposed developer contributions framework, including contributions plans and the mechanism for funding future infrastructure upgrades.
- 2) A summary of the broader strategic context with regard to the proposed departure from the minimum lot size having regard to:
 - the background and rationale to the original Planning Proposal;
 - the relationship between the departure sought with regard to the minimum lot size standard and Council's Housing Strategy, Enterprise and Industrial Land Strategy, and the Wolumla Structure Plan; and
 - Council's future intentions with regard to minimum lot sizes in areas such as Wolumla where flood studies have been conducted (BVLEP clause 6.15).
- 3) The provision of an updated instrument of consent which deleted the reference to landscaping in condition 1 (administrative change only).

The Council provided the Panel with an addendum report and amended draft set of conditions on 31 August 2026 and 2 September 2026 respectively, which were uploaded to the portal on 4 September 2026.

Request for departure from a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Bega Valley Local Environmental Plan 2013 (LEP), the Panel was satisfied and agreed with the Council that the applicant had demonstrated that:

- a) compliance with cl.4.1 (minimum subdivision lot size) is unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as required by clause 4.6(3) (a) and (b) of BVLEP 2013.

In upholding the 4.6 request, the Panel noted that:

- The Wolumla Creek Flood Study 2025 demonstrates there is no significant flood risk to Wolumla;
- The proposed contraventions of the minimum lot development standard aligns with the Council's strategic direction to enable smaller lot sizes in the R2 and RU5 zone where appropriate flood studies have been completed and identify that residential development is suitable;
- The proposed development is consistent with the Wolumla Structure Plan (June 2024);
- The proposed development is consistent with the Council's Enterprise Lands Review; and
- The proposed development is consistent with the Council's Residential Strategy and Affordable Housing Strategy.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

As discussed above, the Panel determined to uphold the request to contravene the minimum subdivision lot size under Clause 4.6, and approve the application for the reasons outlined in the Council Assessment and Addendum Reports.

The Panel was satisfied that:

- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken;
- The development was consistent with the objectives of the *Environmental Planning and Assessment Act 1979*;
- The Council's Assessment and Addendum reports had demonstrated that the relevant prerequisites to the grant of consent had been met;
- The Council's addendum report had adequately addressed the matters raised by the Panel at its determination meeting;
- Subject to the imposition of the conditions of consent, the development is unlikely to result in any unacceptable environmental, amenity or land-use safety impacts either on site or on the surrounding landscape; and
- The site is suitable for the proposed development and will deliver much-needed housing for the Bega Valley region.

CONDITIONS

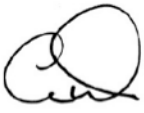
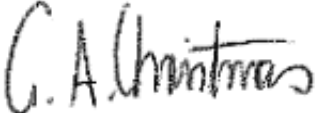
The Development Application was approved subject to the conditions in the Council Assessment Report. Following the determination meeting, Council provided an updated set of draft conditions which contained a minor administrative amendment to Condition 1. The Panel did not impose any additional conditions of consent. The approved conditions of consent are attached in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic and parking
- Pedestrian movement, footpath network and kerb and guttering
- Safe cycling routes
- Safe access to green space/recreation areas
- Capacity of local schools
- Character/density
- Public open space and community facilities
- Stormwater management
- Aboriginal and non-indigenous cultural heritage
- Water and wastewater infrastructure capacity

The Panel considers that the community concerns raised have been adequately addressed in the Council's Assessment and Addendum Reports and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Mitchell Nadin
 Russell Fitzpatrick	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-343 – BEGA VALLEY - DA 2023.351
2	PROPOSED DEVELOPMENT	1) A Concept Plan for the staged delivery of approximately 391 variably sized residential allotments, one (1) allotment for commercial development and six (6) allotments for delivery of water sensitive urban design infrastructure and public open space. 2) Stage 1 subdivision of the development comprising 136 residential allotments, one (1) allotment for future commercial development, four (4) allotments for water sensitive urban design and/or public open space and one (1) residual allotment for potential future stages of development. 3) Civil construction works, including: Construction of road works and footpaths; Installation of new sub-surface services/utilities; Bulk earthworks, land contouring and retaining structures; Installation of erosion and sediment controls; Formalisation of water quality and stormwater drainage infrastructure.
3	STREET ADDRESS	22 Mine Lane Wolumla (Lot 2 DP 1287077)
4	APPLICANT/OWNER	The Trustee for EAS Investment Trust, trading as PLANNED Town Planning Solutions / Junor Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Bega Valley Local Environmental Plan 2013 - Development control plans: - Bega Valley Development Control Plan 2013 (BVDCP 2013) - Planning agreements: Draft Voluntary Planning Agreement dated 22 June 2026 - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 4 August 2026 - Council Addendum Report and amended draft conditions: 31 August 2026 - Request for departure from a development standard under cl.4.1 of the BVLEP (minimum subdivision lot size)

		• Written submissions during public exhibition: 20 (17 during exhibition & 3 after closing date). • Verbal submissions at the public meeting: ○ Member of the public: Emma Kettle, Gail Sargeant ○ Council assessment officer – Fay Steward, Mark Fowler, Cecily Hancock, Gary Louie, Jamie Pickett ○ On behalf of the applicant – Elizabeth Slapp (Planned), Van O’Good (Osgood Civil Resources) • Total number of unique submissions received by way of objection: 20
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 16 April 2026 ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Mitchell Nadin, Russell Fitzpatrick ○ <u>Council assessment staff</u>: Fay Steward, Mark Fowler ○ <u>Applicant representatives</u>: Elizabeth Slapp (Planned), Craig Junor (3 Peak Investments - Proponent), Van Osgood (OCRE – Project Engineer) ○ <u>DPHI</u>: Amanda Moylan • Site inspection: 23 May 2024 ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Russell Fitzpatrick ○ <u>Council assessment staff</u>: Fay Steward, Mark Fowler, Cecily Hancock • Final briefing to discuss council’s recommendation: 25 August 2026 ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Mitchell Nadin, Russell Fitzpatrick ○ <u>Council assessment staff</u>: Fay Steward, Mark Fowler, Cecily Hancock, Gary Louie, Jamie Pickett ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

Conditions of approval

General

Approved development plans

- Subdivision 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
Wolumla Valley Estate Master Plan Report prepared by Human Habitats	April 2025
Engineering Concept Design for Concept Masterplan prepared by <i>OCRE</i>	DRG 2109-PO1GA Amendment D - Concept Arrangement Overall Dated 21.3.2025 DRG 2109-PO3STG Amendment D - Staging Plan Dated 27.11.2023 DRG 2109-L05POS Amendment A - Proposed Plan of Subdivision Sheet 1 Dated 21.3.2025 DRG 2109-L06POS Amendment B - Proposed Plan of Subdivision Sheet 2 Dated 21.3.2025 DRG 2109-L08POS Amendment A - Short Line Table Dated 21.3.2025 DRG 2109-P10RHP Road Hierarchy Plan – Subdivision Dated 21.3.2025 DRG 2109-P12TYPX Typical Cross Sections Sheet 1 Amendment A Dated 21.3.2025 DRG 2109-P13TYPX Typical Cross Sections Sheet 2 Amendment B Dated 21.3.2025 DRG 2109-P14TYPX Amendment D Typical Cross Sections Sheet 3 Dated 21.3.2025 DRG 2109-P45TRP Amendment C - Tree Retention Plan Sheet 1 Dated 21.3.2025 DRG 2109-P46TRP Amendment C - Tree Retention Plan Sheet 2 Dated 21.3.2025 DRG 2109-P60WAT Amendment B - Water Master Plan– Overall Site Dated 21.3.2025 DRG 2109-P61WAT Amendment A - Water Master Plan Sheet 1 Dated 21.3.2025 DRG 2109-P62WAT Amendment A - Water Master Plan Sheet 2 Dated 21.3.2025 DRG 2109-P70SEW Amendment B – Sewer Master Plan Dated 21.3.2025

	DRG 2109-P71SEW Amendment B – Sewer Master Plan Dated 21.3.2025 DRG 2109-P72SEW Amendment A – Sewer Master Plan Sheet 1 Dated 21.3.2025 DRG 2109-P72SEW Amendment A – Sewer Master Plan Sheet 2 Dated 21.3.2025 DRG 2109-P80UTY Amendment A – Utilities Concept Plan Overall Dated 21.3.2025 DRG 2109-P81UTY Amendment A – Utilities Concept Plan – Sheet 1 Dated 21.3.2025 DRG 2109-P82UTY Amendment A – Utilities Concept Plan – Sheet 2 Dated 21.3.2025
Residential Subdivision – Stage 1 Engineering Concept Design for Development Application prepared by <i>OCRE</i>	Job No. 2109 Dated: 21.3.2025
Flood Impact and Risk Assessment prepared by <i>Kingfisher Hydro</i>	Ref: R.26008.001.02 Dated: 25 May 2026
Traffic Impact Assessment prepared by TTM	Reference 12089R979.3 (Undated)
Aboriginal Cultural Heritage Assessment prepared by <i>On Site Cultural Heritage Management Pty Ltd</i>	Ref No. A134 Dated: October 2023
Biodiversity Development Assessment Report prepared by <i>Local Environmental Solutions</i>	Dated: 11 December 2023

2. Approved use

This consent does not grant consent to Stages 2 to 10 detailed on the Concept subdivision plan. The further subdivision for these stages will be the subject of a detailed proposal in a subsequent development application.

Further applications are to be consistent with the approved Landscape Concept Master Plan and Wolumla Valley Estate Master Plan Report.

The biodiversity impacts assessed under the Concept Development Application are limited to those identified in the approved Biodiversity Development Assessment Report. Subsequent development applications may rely on that assessment only to the extent that the proposed works are consistent with the concept approval and do not result in additional biodiversity impacts. Any new or expanded impacts will require separate assessment under the Biodiversity Conservation Act 2016 and the Biodiversity Offsets Scheme.

3. General Terms of Approval

The development of Stage 1 shall be undertaken in accordance with the following General Terms of Approval (GTAs):

- a) Department of Climate Change, Energy, the Environment and Water issued on 20 May 2025, Ref: 10208
- b) Department of Planning and Environment – Water issued on 27 August 2025, Ref: IDAS-2024-10234
- c) NSW Rural Fire Service issued on 23 May 2025, Ref: DA20240325001206-S38-1

Note: All general terms of approval issued are provided as an attachment to this development consent.

4. Subdivision Works Certificate required - Obtain approval for subdivision works

A Subdivision Works Certificate is required prior to commencing subdivision works approved via this development consent.

5. Separate servicing of each lot

Each lot shall have individual and separate connections to water, sewerage, stormwater, electricity and telecommunications networks. Suitable easements for services shall be established in the plan of subdivision where services pass across any other lot between the point of connection to these public utility services and the lot serviced.

Before Issue of a Subdivision Works Certificate

6. Planning Agreement

A Planning Agreement, generally consistent with the offer provided by the developer in respect of the Development Application, the subject of this consent must be entered into prior to the issuing of a Subdivision Works Certificate by the Accredited Certifier in accordance with Section 7.7 of the *Environmental Planning and Assessment Act 1979*. The terms of the executed Planning Agreement must, thereafter, be adhered to.

7. Water supply design

The design of all water supply reticulation works and any associated facilities to service the proposed development/each allotment shall be in accordance with WSAA Codes and Australian Standards. All plans and specifications are to be approved by Council.

8. Sewerage supply design (gravitational areas)

The design of all sewerage reticulation works including sewerage junction works and any associated facilities to service the development shall be in accordance with WSAA Codes and Australian Standards. All plans and specifications for proposed sewerage works are to be approved by Council.

Note: Designs are to be of sufficient depth and grade so that at least 90% of the developable land can drain to proposed reticulated sewerage system. This may require augmentation of Council's existing sewerage system. The applicant is advised to consult with Council before proceeding with detailed design and specifications for any sewer reticulation works.

9. Subdivisions within pressure sewer areas

Design for the provision of a pressure sewer boundary kit for each proposed lot of this subdivision.

10. Erosion and sediment control plan

Before the issue of a subdivision works certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to council:

- a) Council's relevant development control plan,

- b) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Tree Management Assessment (TMA) Requirements

11. Preparation of the Tree Management Assessment

A Tree Management Assessment (TMA) must be prepared for trees identified for retention in Table B-1 (p92-93) of the BDAR: Trees 1, 2, 5-12, 25-26, 28, 37 and 77, by a suitably qualified arborist holding a minimum qualification of AQF Level 3. This may exclude Trees 15, 19, 31 and 36 for which a TMA has been previously prepared (Tree Management Plan, Arboriculture Consultancy Group, 9/9/2023).

The assessment shall be undertaken in accordance with the *Australian Standard for Pruning of Amenity Trees* and shall include management recommendations aimed at:

- a) Maintaining an acceptable level of risk to people and property, particularly in relation to the development of nearby lots; and
- b) Supporting the trees' ongoing retention where reasonably practicable, having regard to their condition, structure, location, and Safe Useful Life Expectancy (SULE). Recommended measures may include strategic pruning and, where feasible, the retention of existing habitat values.

12. Protection and Management Measures

The Tree Management Assessment must also provide recommendations for the protection and management of the identified trees during subdivision works and future construction activities. The assessment shall identify and address the following matters:

- a) Identification of root protection areas for each tree, including the Structural Root Zone (SRZ) and Notional Root Zone (NRZ).
- b) Identification of safe excavation distances and construction controls required to minimise harm to retained trees.
- c) Specification of clear, practical and enforceable tree protection measures to be implemented for the duration of subdivision works and any future construction activities.
- d) Identification of an ongoing maintenance and monitoring regime aimed at managing tree-related risks to an acceptable level over time, while considering the trees' long-term suitability for retention.

13. Approval and Compliance

The Tree Management Assessment must be submitted to and approved by Council's Sustainability team prior to the issue of any Subdivision Works Certificate.

14. Vegetation Management Plan (VMP)

A Vegetation Management Plan (VMP) must be prepared by a suitably qualified ecologist and submitted to Council's Sustainability Team for approval prior to issue of the Subdivision Works Certificate.

The VMP shall be a practical document that maps out the schedule of work with the associated mitigation measures and identify responsible persons for ensuring compliance.

15. The VMP shall include:

- a) Recommendations to protect retained trees from being damaged during the construction phase, such as protective fencing, in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

- b) Mitigation measures provided within the Biodiversity Development Assessment Report (BDAR), Table 9-7, pages 61-66, (Local Environmental Solutions, April 2025).
- c) Recommendations provided within the Tree Management Assessment (TMA) for retained trees identified in Condition 11 to protect trees during construction works and to minimise risk to future development.
- d. A Vegetation and Hollow-bearing Tree Removal Protocol, using BVSC guidelines, or by a suitably qualified person and submitted to Council for approval prior to issue of the Subdivision Works Certificate. The HBT protocol shall include commitments to:
 - i. Remove trees outside of the months of spring and early summer to minimise impacts on fauna breeding cycles.
 - ii. Have an experienced ecologist or licensed wildlife handler present throughout the removal of hollows.
 - iii. Replace hollows to ensure a no net loss, including within the subdivision land or offsite at a location agreed to by Council and the relevant landowner. Artificial hollow augmentation may include hollow-hog, chainsaw hollows, hollow reclamation from cleared trees and nest boxes.
 - iv. Hollow replacement shall use Table B-1 p92-93 (BDAR, 2025) to determine the number of hollows and target species.

16. Ecosystem credit retirement conditions

The class and number of ecosystem credits in Table 1 relate to the area displayed in Figure 1 (Local Environmental Services, BDAR December 2023, Figure 4, p 75). Any changes to the area of native vegetation clearing will require further assessment and an update of the BAM Credit Calculator (BAM-C)1 calculations. In this case, consent conditions will be updated.

Table 1: Ecosystem credits required to be retired – like for like

PCT name	PCT vegetation class	PCT vegetation formation	Offset trading group	IBRA Subregion (proposal location)	HBT Credits	Non HBT Credits	Total credits
3332	Southeast Lowland Grassy Woodland	Coastal Valley Grassy Woodlands. This includes PCT's: 618, 1603, 1640, 1691, 3312, 3314, 3315, 3318, 3319, 3320, 3323, 3325, 3327, 3328, 3329, 3330, 3332, 4052	Coastal Valley Grassy Woodlands > =70% and <90%	South East Coastal Ranges, Bateman, Bungonia, East Gippsland Lowlands, Kybayan-Gourock, Monaro and Snowy Mountains. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site	10	2	12
4050	South Coast Floodplain Wetland Paperbark Scrub	Coastal Floodplain Wetlands This includes PCTs: 4015, 4023, 4024, 4025, 4026, 4027, 4029, 4034, 4035, 4036, 4037, 4041, 4042, 4044, 4046, 4049, 4050, 4051, 4055, 4059.	Coastal floodplain Wetlands > = 70 % and < 90 %.	South East Coastal Ranges, Bateman, Bungonia, East Gippsland Lowlands, Kybayan-Gourock, Monaro and Snowy Mountains.	2	4	6

				or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.			
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17. The requirement to retire biodiversity credits may be fulfilled by one of the following methods to an amount equivalent to the class and number of ecosystem credits as calculated by the BAM Credit Calculator (BAM-C)1:
 - a) Making a payment into the Biodiversity Conservation Fund, thereby transferring the obligation to the Biodiversity Conservation Trust;
 - b) Retiring biodiversity credits purchased from the market; or
 - c) Funding a biodiversity conservation action in accordance with the requirements set out in the Ancillary Rules.
18. Evidence of the payment to the Biodiversity Conservation Fund, retirement of credits, or approved biodiversity conservation action; in satisfaction of Condition 16 and 20, must be provided to Bega Valley Shire Council prior to issue of Subdivision Works Certificate.
19. Council may, by written notice, approve changes to the number or type of offset credits specified in these consent conditions to reflect the stage one approval, where such changes are supported by revised Biodiversity Assessment Methodology (BAM) Calculations (BAM-Calc) prepared in accordance with the BAM 2020 and there are no changes to the level of environmental impact or development footprint.
20. *Species credit retirement conditions*
 Prior to issue of Subdivision Works Certificate, the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.

Table 2: Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA subregion
<i>Myotis Macropus</i> / Southern Myotis	13	Anywhere in NSW
<i>Ninox strenua</i> / Powerful Owl	1	Anywhere in NSW
<i>Petaurus norfolcensis</i> / Squirrel Glider	1	Anywhere in NSW

21. The requirement to retire biodiversity credits may be fulfilled by one of the following methods to an amount equivalent to the class and number of species credits as calculated by the BAM Credit Calculator (BAM-C)1:
 - a) Making a payment into the Biodiversity Conservation Fund, thereby transferring the obligation to the Biodiversity Conservation Trust;
 - b) Retiring biodiversity credits purchased from the market; or
 - c) Funding a biodiversity conservation action in accordance with the requirements set out in the Ancillary Rules.
22. *Pavement Design*
 Prior to the issue of a Subdivision Works Certificate, detailed pavement designs for all roads, laneways, parking lanes, cul-de-sacs and associated pavement areas within the subdivision shall be submitted to and approved by Council.

The pavement design shall:

- a) Be prepared and certified by a suitably qualified and experienced Practising Civil Engineer;
- b) Be based on a site-specific geotechnical investigation undertaken by a suitably qualified geotechnical engineer, including determination of subgrade strength and design California Bearing Ratio (CBR);
- c) Be designed in accordance with the current Austroads Guide to Pavement Technology, including but not limited to:
 - i. AGPT02: Pavement Structural Design; and
 - ii. AGPT04 Series: Pavement Design and Materials;
- d) Comply with Council's Engineering Design Specifications, Engineering Construction Specifications and any relevant Development Control Plan requirements;
- e) Be designed using traffic loadings appropriate for the subdivision and provide a minimum 20-year pavement design life, unless otherwise specified by Council;
- f) Include details of pavement composition, layer thicknesses, pavement materials, drainage provisions, subsoil drainage (where required), pavement widening and edge treatments;
- g) Address groundwater conditions, moisture susceptibility and any geotechnical constraints identified within the site investigation.

All pavement works shall be constructed in accordance with the approved pavement design and Council's engineering specifications.

23. Bituminous Surfacing Design

Prior to the issue of a Subdivision Works Certificate, the applicant shall submit detailed bituminous surfacing and/or asphaltic concrete pavement surfacing designs for all proposed roads to Council for approval.

The surfacing design shall:

- a) Be prepared by a suitably qualified and experienced Practising Civil Engineer;
- b) Be designed in accordance with the current Austroads Guide to Pavement Technology, including AGPT04 Series and AGPT02: Pavement Structural Design;
- c) Comply with the requirements of Council's Engineering Design and Construction Specifications;
- d) Specify the proposed surfacing type, including primerseal, two-coat seal, bituminous sealing, asphaltic concrete, or a combination thereof, as applicable to the road classification and anticipated traffic loading;
- e) Include details of binder type, aggregate grading, application rates, asphalt mix design, layer thicknesses and construction methodology;
- f) Demonstrate that the proposed surfacing is suitable for the design traffic loading, environmental conditions and intended service life of the pavement;
- g) Include provisions for all intersections, cul-de-sacs, kerb returns, roundabouts, bus routes and other areas subject to concentrated traffic loading, where asphaltic concrete surfacing may be required.

All pavement surfacing works shall be undertaken in accordance with the approved design and Council's specifications.

24. Stormwater Drainage and Hydraulic Design

Prior to the issue of a Subdivision Works Certificate, detailed stormwater drainage and hydraulic design plans shall be submitted to and approved by Council.

The design shall:

- a) Be prepared and certified by a suitably qualified and experienced Practising Civil Engineer;
- b) Be undertaken in accordance with Council's Engineering Design Specifications and the current editions of Australian Rainfall and Runoff (ARR) and Austroads Guide to Road Design requirements;
- c) Demonstrate that the stormwater drainage system has adequate capacity to safely convey design flows from the development and all contributing catchments;
- d) Include hydraulic calculations for all pipes, pits, headwalls, culverts, open channels, detention systems, gross pollutant traps, stormwater quality treatment devices and associated drainage infrastructure;
- e) Incorporate major and minor drainage system assessments, including overland flow paths and surcharge analysis;
- f) Demonstrate that stormwater runoff generated by the development does not adversely impact upstream, downstream or adjoining properties;
- g) Address drainage system capacity for the applicable design storm events specified within Council's engineering standards, including provision for emergency overland flow during major storm events;
- h) Include details of inlet and outlet structures, scour protection measures, energy dissipation treatments and erosion and sediment control measures;
- i) Demonstrate compliance with Council's water quality, stormwater management and flood planning requirements;
- j) Be accompanied by a stormwater catchment plan, longitudinal sections, drainage schedules and all supporting hydraulic modelling and calculations.

All stormwater drainage works shall be constructed in accordance with the approved hydraulic design and Council's engineering specifications.

25. Road Safety Audit

Prior to the issue of a Subdivision Works Certificate, the applicant shall engage a suitably qualified and independent Road Safety Auditor, accredited in accordance with Transport for NSW requirements, to undertake a Road Safety Audit of the proposed road network and associated intersections, pedestrian and cyclist facilities, traffic control devices, and any connection to the existing public road network.

The audit shall be carried out in accordance with the Austroads Guide to Road Safety and relevant Transport for NSW requirements. A copy of the Road Safety Audit Report, together with a written response addressing all identified safety issues and recommendations, shall be submitted to and approved by the Consent Authority prior to the commencement of subdivision works.

Any road safety mitigation measures identified by the audit and accepted by the Consent Authority shall be incorporated into the final engineering design at no cost to Council.

A post-construction (pre-opening) Road Safety Audit shall also be undertaken prior to the issue of a Subdivision Certificate. The audit report, together with evidence demonstrating that all identified safety issues have been addressed to the satisfaction of the Consent Authority, shall be submitted prior to the release of the Subdivision Certificate.

26. Traffic Impact Assessment Recommendations

Prior to the issue of any Subdivision Works Certificate, detailed engineering design plans and supporting documentation shall be submitted to and approved by Council. The design plans and associated specifications must incorporate all relevant recommendations, requirements, mitigation measures, roadworks, intersection treatments, traffic management measures, pedestrian and cycling infrastructure, sight distance requirements, and staging provisions identified in the *Traffic Impact*

The approved subdivision works and construction plans shall demonstrate compliance with the recommendations of the Traffic Impact Assessment, including but not limited to:

- a) Scott Street/Ferndale Lane intersection upgrades and associated BAR/BAL treatments;
- b) Scott Street frontage road widening, kerb and gutter, footpath and parking provisions;
- c) Road 27 and associated intersection works;
- d) Pedestrian, bus, and active transport infrastructure;
- e) Safe intersection sight distance requirements; and
- f) Any traffic management and road infrastructure upgrades identified as being required for the relevant stage of development.

Any variation from the recommendations of the Traffic Impact Assessment must be supported by a supplementary traffic engineering assessment prepared by a suitably qualified traffic engineer and approved by Council prior to the issue of the Subdivision Works Certificate.

27. Construction Site Management Plan

Before the issue of a subdivision works certificate a construction site management plan must be prepared and provided to council.

The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements; and
 - iii. Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;
- f) Details of any demolition work to be carried out involving asbestos;
- g) The location of site storage areas and sheds;
- h) The equipment used to carry out works;
- i) The location of a garbage container with a tight-fitting lid;
- j) Dust, noise and vibration control measures;
- k) The location of temporary toilets;
- l) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 – Protection of trees on development sites;
 - ii. An applicable Development Control Plan;
 - iii. An arborist's report approved as part of this consent.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

28. Demolition work involving asbestos

Demolition work must comply with the following conditions:

- a) prescribed asbestos removal work must be undertaken by a person who conducts a business of asbestos removal work in accordance with the Work Health and Safety Regulation 2025, Section 458 (a **licensed person**),
- b) the person having the benefit of the consent must give the principal certifier a copy of a signed contract with a licensed person before demolition commences,
- c) the contract must indicate whether asbestos will be removed, and if so, must specify the landfill site, which may lawfully receive asbestos, to which the asbestos will be delivered,
- d) if the contract indicates that asbestos will be removed to a specified landfill site—the person having the benefit of the complying development certificate must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos referred to in the contract has been received by the operator.

29. Payment of security deposits – Damage Bond

Before the issue of a subdivision works certificate the applicant must:

- a) make payment of **as per BVSC adopted fees and charges** for a security deposit (damage bond) to the consent authority, and
- b) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.

Before Subdivision Work commences

30. Subdivision work in accordance with a consent must not commence until:

- a) A Subdivision Works Certificate has been issued;
- b) The person having the benefit of the development has appointed the Principal Certifying Authority (PCA);
- c) The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment;
- d) The person having the benefit of the consent has given at least two (2) day's notice to the Council of the person's intention to commence subdivision work.

31. Notification of the commencement of subdivision works and contractor's insurance

The developer shall notify Council in writing of their intention to commence subdivision works. At least 2 days' notice is required.

Each construction contractor must hold current public liability insurance (minimum \$20,000,000.00) endorsed to note the contractor and Council for their rights and interests. Evidence shall be provided with the notification to commence works.

32. Erosion and sediment controls in place

Before any site work commences, council must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

During Subdivision Work

33. Unexpected finds protocol

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.

34. Implementation of the Vegetation Management Plan

While work is being carried out, the commitments and measures required by the approved Biodiversity Management Plan must be implemented at all times and impacts do not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the Footprint area assessed by Local Environmental Services, April 2025.

A copy of the approved plan is kept in site at all times and made available to council officers upon request.

35. Biodiversity

Ensure all vehicles/machinery entering the site are clean and weed free and that appropriate weed/pathogen hygiene practices are employed. Monitor the site and treat for new weeds for at least two years after construction activities to avoid spread of introduced weeds.

36. Road 11B Construction standard - LOCAL

Road 11B from the intersection of Road 4 and Ferndale Lane shall be designed and constructed to a "LOCAL" road standard, not to an "ACCESS" road standard as shown in the approved civil plans.

Reason – This road connects directly to a COLLECTOR street type and must be of the higher road hierarchy type.

37. Implementation of the site management plans

While site work is being carried out:

- a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
- b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

38. Soil Management

While site work is being carried out, council must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to council.
- b) All fill material imported to the site must be:
 - i. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

39. Responsibility for changes to public infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

40. Certification and inspection of subdivision work

The subdivision works must be inspected by Council's inspector in accordance with the Subdivision Works Certificate plans and Council's Development Design and Construction Specifications.

It should be noted that Council charges fees for inspections and certificates.

41. Stabilised access to construction site

During construction, vehicular access must be confined to approved areas. Where practicable, access must be stabilised and confined to one location.

42. Topsoil to be stockpiled for later use

Where possible, topsoil must be stripped only from those areas designated on the approved plan and must be stockpiled for later use in rehabilitation and landscaping.

Stockpiles (topsoil, spoil, subsoil, sand, or otherwise) must be:

- located at least 2 metres from any hazard areas, including surfaces with grades greater than 1.5 per cent, zones of concentrated flow, driveways, footpaths, nature strips, kerb line gutter, swales or standing vegetation;
- protected from upslope stormwater surface flows;
- provided with sediment filters downslope; and
- provided with a protective cover where they are likely to be worked for more than 20 working days.

43. Maintain control measures at or above design capacity

All sediment control measures must be maintained at, or above their design capacity.

44. Progressively stabilise and rehabilitate site works

All ground disturbed because of the development must be progressively stabilised and rehabilitated so that it no longer acts as a source of sediment.

45. Water supply construction

Construction of all water supply reticulation works and associated facilities necessary to service the proposed development. All construction shall be as per the approved design plans. Any construction must be carried out by Bega Valley Shire Council approved contractor(s) and in accordance with WSAA Codes and Australian Standards.

46. Sewer construction

Construction of all sewerage reticulation works including sewerage junction works and any associated facilities necessary to service the development. All construction shall be in accordance with the approved design plans. Any construction shall be carried out by Council approved contractor(s) and in accordance with WSAA Codes and Australian Standards.

47. Disturbed sites to be stabilised

The certifier must ensure sediment and erosion controls remain in place until all disturbed areas are stabilised to prevent erosion and soil loss.

Prior to issue of any Subdivision Certificate

48. Release of securities

When Council receives a subdivision certificate, an application may be lodged to release the securities held in relation to the Damage Bond.

49. Repair of infrastructure

Before the issue of a subdivision certificate:

- a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
- b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

50. Operation and Maintenance Plan and Asset Handover – Stormwater, Water Quality and On-Site Detention Infrastructure

Prior to the issue of a Subdivision Certificate, the applicant shall submit to Council an Operation and Maintenance Plan (OMP) prepared by a suitably qualified civil engineer for all stormwater drainage, water quality treatment devices, bio-retention systems, gross pollutant traps, wetlands, on-site detention (OSD) systems and associated infrastructure proposed to be dedicated to Council.

The OMP shall include, but not be limited to:

- a) An asset register identifying all stormwater, water quality and OSD infrastructure.
- b) Asset location plans and approved design drawings.
- c) Details of asset function, design performance criteria and design life.
- d) Inspection, monitoring and maintenance requirements, including maintenance frequencies and performance standards.
- e) Procedures for sediment removal, vegetation management, litter collection, disposal of waste materials and rectification of defects.
- f) Procedures for identifying and addressing asset failure or reduced performance.
- g) Maintenance schedules and templates for recording inspections and maintenance activities.
- h) Any specialist maintenance requirements necessary to ensure ongoing compliance with the approved design and relevant Council standards.

The developer shall be responsible for the operation, monitoring, repair and maintenance of all stormwater, water quality and OSD infrastructure from the commencement of construction until the assets are formally accepted by Council.

Prior to asset handover, the developer shall:

- i. Complete all maintenance required during the defects liability period.
- ii. Rectify any defects, damage, erosion, sediment accumulation, vegetation establishment issues or operational deficiencies identified by Council.
- iii. Demonstrate, through inspection and certification by a suitably qualified engineer, that the infrastructure is operating in accordance with the approved design, relevant Council standards and the endorsed OMP.

- iv. Submit Works-As-Executed drawings, asset information in a format acceptable to Council, maintenance records, inspection reports and engineer's certification confirming satisfactory asset performance.
- v. Provide evidence that all water quality treatment devices and detention systems have been cleaned, restored and are functioning at their full design capacity immediately prior to handover.

The infrastructure shall not be accepted as a Council asset until Council is satisfied that all asset handover requirements have been met and the assets are in a condition suitable for long-term public ownership and maintenance. Upon Council's written acceptance of the assets, ongoing ownership and maintenance responsibilities shall transfer to Council.

51. Maintenance of Stormwater, Water Quality and On-Site Detention Infrastructure

The developer shall be responsible for the operation, inspection, maintenance, repair and reinstatement of all stormwater drainage infrastructure, water quality treatment devices, bio-retention systems, gross pollutant traps, wetlands, on-site detention (OSD) systems and associated assets constructed as part of the subdivision.

This responsibility shall remain with the developer until the later of:

- a) Two (2) years from the date of issue of the Subdivision Certificate; or
- b) Eighty per cent (80%) of the residential allotments created by this consent being developed with a dwelling and issued with an Occupation Certificate.

52. Maintenance Bond

Prior to the issue of the Subdivision Certificate, the developer shall lodge with Council a Maintenance Bond equal to 5% of the value of the stormwater, water quality and OSD infrastructure, or such other amount as determined by Council, to secure the performance of maintenance obligations under this condition.

The Maintenance Bond shall be retained by Council for the duration of the maintenance period and may be used by Council to undertake any maintenance, repair, rectification or reinstatement works should the developer fail to comply with the requirements of this condition.

During the maintenance period, the developer shall ensure that all stormwater, water quality and OSD infrastructure is maintained in accordance with the approved Operation and Maintenance Plan and continues to operate at its approved design capacity and performance standard.

Prior to the release of the Maintenance Bond and transfer of maintenance responsibilities to Council, the developer shall provide evidence satisfactory to Council that:

- i. All required maintenance activities have been completed;
- ii. Any defects, failures, erosion, sediment accumulation, vegetation establishment issues and damage have been rectified;
- iii. Water quality treatment devices and detention systems have been cleaned and restored to full operational capacity;
- iv. The infrastructure has been inspected and certified by a suitably qualified engineer as being in satisfactory condition for handover; and
- v. Council has undertaken a final inspection and confirmed that the assets are suitable for long-term public ownership and maintenance.

The Maintenance Bond shall not be released, and maintenance responsibilities shall not transfer to Council, until Council has provided written confirmation that the requirements of this condition have been satisfied.

53. Practical Completion and Commencement of Asset Handover Process

Prior to the lodgement of any Subdivision Certificate application, all public infrastructure and subdivision works to be dedicated to Council shall have achieved Practical Completion to the satisfaction of Council.

For the purposes of this condition, Practical Completion is the stage at which the subdivision works are substantially complete, operational, safe and fit for their intended purpose, with only minor defects or omissions remaining that do not materially affect their use or performance. Prior to the lodgement of any Subdivision Certificate application, the applicant shall:

- a) Obtain written confirmation from Council that Practical Completion has been achieved;
- b) Submit all documentation required by Council to commence the asset handover process, including but not limited to Works-As-Executed drawings, asset registers, operation and maintenance manuals, engineering certifications, compliance certificates and test results;
- c) Establish the defects liability (maintenance) period in accordance with Council's requirements; and
- d) Provide any maintenance securities, bonds, warranties, insurances or other documentation required by Council for the acceptance and future management of the assets.

The Subdivision Certificate application shall not be lodged until Council is satisfied that Practical Completion has been achieved and the asset handover process has been formally initiated. Please see council website for more information on the development handover process.

54. Defects liability and maintenance period for subdivision works

Before the Subdivision Certificate is issued, the developer must provide security and enter a defects liability and maintenance arrangement with Council for all public infrastructure constructed under this consent.

All subdivision works that will become Council assets must enter a 12-month defects liability and maintenance period, commencing on the date the Subdivision Certificate is issued.

During this period, the developer must:

- a) Repair or replace any defects, omissions or failures in the works, when directed by Council; and
- b) Make good any damage to Council property arising from works carried out under this consent.

To guarantee performance of defect rectification and maintenance obligations, the developer must provide Council with a cash bond or bank guarantee equal to 5% of the final construction value of all subdivision works for which Council will assume responsibility.

55. Works as executed plans

Council shall be provided with the following works as executed plans for all subdivision works:

- a) A PDF copy of the subdivision works certificate plans clearly marked up to show all variations from the approved design.
- b) AutoCAD DWG or DXF file that includes the as-built details of all works. The map projection in the drawing shall be GDA2020 zone 55 and different infrastructure elements shall be delineated into different drawing layers.

Works as executed plans must be prepared and certified by an experienced Surveyor or Professional Engineer as a complete and accurate record of the work.

56. Street Tree Establishment and Maintenance

All street trees and associated landscaping within the road reserve shall be maintained by the developer for a minimum period of twelve (12) months from the date of practical completion of the planting works, or such longer period as required by Council prior to asset handover.

During the maintenance period, the developer shall be responsible for:

- a) Regular watering to ensure healthy establishment and growth;
- b) Weed control within all tree planting areas;
- c) Maintenance and replenishment of mulch to maintain a minimum 75 mm depth;
- d) Adjustment, repair and removal of stakes, ties and guards as required;
- e) Treatment of pests, diseases and vandal damage;
- f) Formative pruning to Australian Standard AS 4373 – Pruning of Amenity Trees;
- g) Replacement of any tree that dies, is removed, becomes diseased, is vandalised, or fails to establish, with a tree of the same species and minimum size as originally approved;
- h) Maintenance of the planting area in a safe, neat and tidy condition at all times.

At the completion of the maintenance period, all street trees shall be healthy, structurally sound and actively growing to the satisfaction of Council. Any tree not meeting this requirement shall be replaced and be subject to a further twelve (12) month maintenance period from the date of replacement.

57. CCTV of Stormwater Infrastructure

Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the handover and acceptance of the stormwater assets.

58. Easements (general development)

Any easement(s) required as a consequence of this development, including but not limited to easements for drainage, services, access, support or restriction as to user, shall be created at no cost to Council and in favour of the appropriate authority or benefiting lot(s), as determined by Council.

All easements shall be designed, surveyed, created and registered in accordance with:

- a) Council's current Development Engineering Specifications, Codes, Policies and Guidelines;
- b) The requirements of the NSW Land Registry Services (LRS);
- c) The Conveyancing Act 1919 and Conveyancing (General) Regulation 2022 (or any superseding legislation);
- d) The Environmental Planning and Assessment Act 1979 and associated Regulations; and
- e) Any other relevant Commonwealth or New South Wales legislation, standards, codes and authority requirements applicable at the time of creation.

Documentary evidence demonstrating registration of all required easements shall be provided to Council prior to the issue of a Subdivision Certificate, Occupation Certificate, or release of any related bond, whichever is applicable.

59. Creation of Easements (Infrastructure)

All easements required for the proper functioning and ongoing maintenance of infrastructure associated with the development shall be created and registered in accordance with Council's adopted engineering specifications and guidelines, NSW Land Registry Services requirements, the Conveyancing Act 1919, and any other relevant legislation and statutory authority requirements. Evidence of registration of the easements shall be submitted to Council prior to the issue of the Subdivision Certificate.

60. Dedication of Public Road

The plan of subdivision shall dedicate the land encompassing all new roads as Public Road. The width of land dedicated shall be the greater of the requirements set out in Bega Valley Council's Development Control Plan 2013 and the land required to contain the road formation (including batters and cut slopes).

The plan of subdivision shall also include the dedication as Public Road splay corners 5 metres by 5 metres at each urban road junction and by assessment for rural intersections based on the proposed intersection layout.

The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that all existing constructed roads are wholly contained within the road reserve boundaries shown on the plan of subdivision. Where any existing road is not contained wholly within the road reserve boundary then dedication of land as necessary to contain the constructed road is required.

61. Obtain subdivision certificate

The subdivider must obtain a Subdivision Certificate from the consent authority before the plan of subdivision can be registered by NSW Land and Property Information. All conditions of consent must be satisfied or suitable bonding arrangements (where permitted) made with Council, before a Subdivision Certificate can be issued.

62. Documentary evidence of compliance with conditions

The applicant shall submit to Council suitable documentary evidence to confirm compliance with all conditions of this Consent.

63. Subdivision - evidence of service supply - electricity

A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate for each Stage. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include that payment of fees and contributions.

64. Electricity easements

As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

65. Evidence of service supply – telecommunications in subdivisions

The developer is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:

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

Note: *Real estate development project* has the meaning given in Section 372Q of the *Telecommunications Act*.

66. Easement/restrictive covenant

Where any easement, right-of-carriageway or restrictive covenant is to be created pursuant to Section 88B of the Conveyancing Act, 1919, the subject S88B Instrument shall be submitted to the Principal Certifying Authority with the final plan of subdivision.

67. Street numbering

An application for street addresses for all lots within the subdivision shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

68. Certificate of compliance (subdivision)

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained.

69. Section 7.11 contributions

In accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and the Bega Valley Local Infrastructure Contribution Plan 2024-2036 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution type	\$ Total	Allocation No.
Section 7.11 contribution (Stage 1)	\$2,436,284	W5307.1651.1417

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

Note: A planning agreement entered into in relation to the Development may recognise the value of public benefits provided as an offset against the contribution required by this condition.

Advisory notes

Water Management Act Certificate of Compliance

- Section 64 of the Local Government Act authorises the Council to issue Certificates of Compliance under section 305 of the Water Management Act 2000.
- The development has been assessed as imposing an additional load to the water supply system and to the sewerage network. The additional loads for each stage of the development are shown in Table 3. The payment due will be calculated at the rate specified in Council's adopted Fees and Charges at the time of payment.

Table 3: Stage 1

Approved Plan Stage 1	Water ET	Sewer ET
1A	2	2
1B	24	24
1C	16	16
1D	21	21
1E	0	0
1F	25	25
1G	17	17
1H	1	1
1I	31	31

Essential Energy

- a) If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment.
- b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- c) Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easement and Close to Infrastructure*.
- d) Prior to carrying out any works, a "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).
- e) Given there is electricity infrastructure in the area, 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*.

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.

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 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 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 before you dig service in advance of any construction or planning activities.

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.

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 (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Resources and Energy) 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.

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
- Local Infrastructure Contributions Plan

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

The EP&A Act 1979 does not give a right of appeal against this determination to an objector.