

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 17-1-2005

(FILE NO. 9037614)

**SUBDIVISION OF LOT 2 DP 386624 AND LOT 12 DP 603982, NADGEE ROAD,
WONBOYN**

I, Chris Wilson, Acting Executive Director, Office of Sustainable Development Assessments as delegate for the Minister for Planning pursuant to Sections 80(1)(a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No. 71 – Coastal Protection determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To promote the orderly and ecologically sustainable use and development of land.
- (2) To maintain the amenity of the local area.
- (3) To ensure the adequate provision of utility services.
- (4) To improve public access to Wonboyn Lake.

Chris Wilson
Acting Executive Director
Sustainable Development Assessments

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application made by:	RW Surveying PO Box 639 EDEN NSW 2551
Application made to:	Minister for Planning
Development Application:	DA 17-1-2005
On land comprising:	Lot 2 DP 386624 and Lot 12 DP 603982, Nadgee Road, Wonboyn
Local Government Area	Bega Valley Shire Council
For the carrying out of:	Subdivision of two lots into four lots. A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	Not applicable
Type of development:	State Significant Development, Integrated Development
S.119 Public inquiry held:	No
BCA building class:	Not required, subdivision work only
Approval Body / Bodies:	Rural Fire Service
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 17-1-2005

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies were imposed in accordance with Bega Valley Section 94 Plan No. 3 – Recreational Facilities & Public Reserves. The Section 94 Plan may be inspected at the Council's Bega Office during its normal business hours.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means RW Surveying or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Bega Valley Shire Council.

DA No. 17-1-2005 means the development application and supporting documentation submitted by the Applicant on 28 January 2005 and amended on 10 April 2006.

Department means the Department of Planning or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or the nominees of the Director.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 17-1-2005

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- (1) Subdivision of Lot 2 DP 386624 and Lot 12 DP 603982 to create four lots.

A2 *Development in Accordance with Plans*

The development shall be in accordance with development application number DA No. 17-1-2005 submitted by the Applicant on 28 January 2005 and amended on 10 April 2006 and in accordance with the following:

Statement of Environmental Effects entitled Nadgee Road, Wonboyn Lake prepared by RW Surveying and Valuations, dated 11 December 2004			
Report No. 040728 Site analysis for suitability of on-site waste water disposal prepared by CD Watts and Associates and dated 20 July 2004			
Fauna and Flora Assessment for Lot 12 DP 603982 and Lot 2 DP 386624 Nadgee Road, Wonboyn Lake prepared by ngh environmental and dated May 2005			
Bushfire Assessment for Lot 12 DP 603982 and Lot 2 DP 386624 Nadgee Road, Wonboyn Lake prepared by Eden Forest Management Services			
Survey Drawings prepared by RW Surveying and Valuations			
Drawing No.	Revision	Name of Plan	Date
0773	Rev 3	Plan of proposed subdivision of Lot 2 DP 386624 & Lot 12 DP 603982 Parish of Narrabarba, Nadgee Road, Wonboyn Lake	3/06

A3 *Inconsistency between documents*

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 *Prescribed conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the regulation.

A5 *Lapsing of Consent*

In order that the development of the land is undertaken in an orderly and coordinated manner, the development consent shall lapse five years after the determination date in Part A of Schedule 1 of this consent.

A6 Application for Construction Certificate

A Construction Certificate is required prior to the commencement of any clearing, construction, subdivision or associated activity. Application must be made to the Council or an Accredited Certifier.

A7 Application for Subdivision Certificate

Prior to the lodgement of the plan of subdivision for registration under Division 3 of Part 23 of the *Conveyancing Act 1919*, a Subdivision Certificate is to be obtained in accordance with Section 109D(1)(d) of the Environmental Planning and Assessment Act 1979.

A8 Principal Certifying Authority

The subdivider shall appoint a Principal Certifying Authority for this development, who will have the responsibility to issue a Subdivision Certificate in conformity with the relevant provisions of the Environmental Planning and Assessment Act 1979 and related Regulations.

PART B—PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**Subdivision Works****B1 Design**

Engineering design plans for the required subdivision work shall be designed by an appropriately qualified practicing Civil Engineer holding current professional indemnity insurance and submitted to Council for approval. The design plans shall also show the preferred route and likely construction requirements for access from the driveway access to the proposed building envelopes.

B2 Erosion and Sedimentation Control

Prior to the issue of a Construction Certificate, the applicant shall prepare a Soil and Water Management Plan to be incorporated in engineering design plans, and designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. This Management Plan must be submitted to the Certifying Authority.

The works shall be constructed and maintained to ensure that the flow and quality of stormwater discharged from the site, both during and after the construction period is similar to that from the site in an undeveloped state.

B3 Provision of services

Electricity reticulation works, telecommunications cabling and facilities shall be provided to each lot in accordance with the requirements of the providing authorities.

Compliance**B4 Compliance Report**

Prior to the issue of a Construction Certificate, the applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

B5 Payment of Maintenance Bond

Prior to the issue of a Construction Certificate, the applicant shall pay to Council a maintenance bond for service construction works performed by private contractors being 5%

of the contract price and applicable for six months from the date of issue of the Construction Certificate.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate

Subdivision work in accordance with this consent must not be commenced until a Construction Certificate has been issued by the Council or an Accredited Certifier and the person having the benefit of this development consent has appointed a Principal Certifying Authority and notified Council. Two days notice must be given to Council of the intention to commence subdivision work. Plans and specifications to which the Construction Certificate relates must conform to the conditions of this development consent the standards set out in Council's development control plans, subdivision guidelines, construction and design specifications and sound engineering practice.

C2 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C3 below),
- (4) noise and vibration management,
- (5) waste management,
- (6) erosion and sediment control (see also B2), and
- (7) flora and fauna management.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C3 Traffic Management Plan

Prior to the commencement of any works on the site, a Traffic Management Plan, prepared by a suitably qualified person authorised by the Roads and Traffic Authority to prepare a traffic control plan, shall be submitted to and approved by the Council. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The Applicant shall submit a copy of the approved plan to the Department.

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

C4 Levy and security payments

Any levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 must be paid prior to issue of the Construction Certificate.

A security deposit shall be provided to Council, prior to issue of the Construction Certificate, for the making good of any damage caused to Council property as a result of works associated with this subdivision. The security shall be calculated at 5 per cent of the value of the construction works and lodged as a cash deposit or unconditional bank guarantee. A bond administration fee may also be payable to Council.

C5 Insurances

Each contractor engaged in the construction of subdivision work must hold current public liability insurance to Council's satisfaction and provide Council with evidence of the currency of the insurance before construction commences.

PART D—CONSTRUCTION**D1 Subdivision Works**

The following subdivision works shall be constructed according to the engineering designs approved by the Council and according to sound engineering practice.

- a) Construction of a bitumen sealed road in Nadgee Road along the full frontage of the subject land to a design speed of not less than 60 km/h with a 4 metre wide bitumen seal with 1 metre wide sealed road shoulders on both sides of the road; 200mm thick compacted gravel pavement; 0.5 metre wide table drains as necessary; all associated stormwater and subsoil drainage works; all other works necessary.
- b) Construction of a bitumen sealed rural property access type intersection treatment at the junction of the Nadgee Road with the proposed right of access in conformity with the standards specified in the Road Design Guide published by the Roads and Traffic Authority. The design shall include the requirement for Safe Intersection Sight Distance for a speed environment of 40km/h along Nadgee Road. The access shall be sealed to the property boundary.
- c) Construction of the proposed right of access from the Nadgee Road intersection to the access point on proposed Lot 4 with a 4 metre wide gravel road pavement with a 3 metre wide bitumen seal and 0.5 metre shoulders; a passing bay to location and design satisfactory to RFS and Council; 200mmthick compacted gravel pavement or construction sufficient to carry a fully loaded fire fighting vehicle; 1 metre wide table drains as necessary; all associated stormwater and subsoil drainage works; all other works necessary; maximum grades should not exceed 15° and preferably not more than 10°. The design speed for this road shall be not less than 40km/h/. A name for the access shall be submitted to Council for approval and erected according to Council satisfaction to satisfy Council and RFS requirements.
- d) Construction of bitumen sealed vehicular entrances serving all lots. The entrance is to be sealed to the property boundary.
- e) Construction of all erosion and sediment control works proposed in the Soil and Water Management Plan. The approved Soil and Water Management plan must be complied with at all times during the construction works of the proposed subdivision.

D2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D3 Certification and inspection

Subdivision works must be inspected and tested either by Council's inspectors or by an accredited Certifier in the stages and according to compliance standards satisfactory to Council.

D4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder,

Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D5 Contact Telephone Number

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D6 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks shall be managed to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) Cleaning of roadways shall be carried out regularly.

D7 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- the delivery of materials is required outside these hours by the Police or other authorities;
- it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.
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D8 Construction Noise Management

The Applicant shall:

- a) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
- b) 9.00 am to 12.00 pm, Monday to Friday;
- c) 2.00 pm to 5.00 pm Monday to Friday; and
- d) 9.00 am to 12.00 pm, Saturday.

D9 Public Way to be unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

D10 Aboriginal Archaeology

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service (NPWS) and obtain any necessary approvals to continue the work.

The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D11 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

PART E—PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE**Subdivision Certificates****E1 Subdivision Certificate**

Prior to the issue of a Subdivision Certificate, the applicant shall provide to the Certifying Authority, six (6) copies of the final linen plan of subdivision for endorsement, including a copy of the proposed instrument under Section 88B of the Conveyancing Act 1919. The plan of survey required by Land and Property NSW (LPI) must be certified by Council as principal consent authority. The application to Council for a Subdivision Certificate must also be accompanied by the submission of a plan of survey/DXF file on diskette by a registered surveyor.

E2 Works-As-Executed Plans

Prior to the issue of a Subdivision Certificate the applicant shall provide “Works-as-Executed” plans in accordance with Council’s Specification duly certified by an Engineer or Registered Surveyor for all construction work required pursuant to a condition of subdivision.

E3 Building envelopes

Building and effluent disposal envelopes shall be nominated on the plan of subdivision to the approval of Council. The exact size and location of both the building and effluent disposal envelopes shall be determined on site in consultation with and to the approval of relevant Council officers, subject to compliance with condition H1, prior to the preparation of the final plan of subdivision.

E4 Compliance Certificate

Prior to the issue of a Subdivision Certificate, the applicant shall obtain from Council a Compliance Certificate for works carried out as a condition of subdivision for which specific design plans were required.

Easements and Dedications**E5 Access to Services**

Prior to the issue of a Subdivision Certificate, Section 88B Instruments, pursuant to the provisions of the *Conveyancing Act 1919*, shall be created over the relevant lots to establish or obtain drainage and services easements where required and/or as directed by Council, free of all cost to Council.

E6 Rights of access

Prior to the issue of a Subdivision Certificate, Section 88B Instruments, pursuant to the provisions of the *Conveyancing Act 1919*, shall be created over the relevant lots to establish or obtain a right of access not less than 10 metres wide in favour of lots 2, 3 and 4 to provide physical access to those lots.

E8 Bushfire and building

Prior to the issue of a Subdivision Certificate, Section 88B Instruments, pursuant to the provisions of the *Conveyancing Act 1919*, shall be created over the relevant lots to establish the following requirement. Council and the NSW Rural Fire Service are to be nominated as having the sole authority to release, vary or modify this requirement:

Concurrently with the erection of a dwelling, the landowner shall provide a water storage tank to hold roof water for domestic and fire fighting purposes in an appropriate location to Council's satisfaction. Such a tank shall have a minimum capacity of 90 000 litres and a domestic draw off level which will reserve 10 000 litres for fire fighting purposes. An approved 65mm gate valve and coupling shall be fitted to the base of the tank to the satisfaction of the NSW Rural Fire Service. This provision where applicable, is to be maintained for the entire period that the dwelling exists:

E9 Road widening

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

E10 Dedication of Public Reserve Lot

The plan of survey the subject of a Subdivision Certificate shall include dedication of a public reserve along the frontage of the land to Wonboyn Lake (proposed Lot 1) to a width of 20 metres to Council's requirements free of all cost to Council.

Construction and Supply of Services**E11 Electricity Supply**

Prior to the issue of a Subdivision Certificate, the applicant shall provide to Council written confirmation from Country Energy that all relevant requirements for supply of electricity to all

lots have been satisfied including provision for underground power, street lighting (where applicable), headworks contributions, payment for extension of supply and creation of easements.

E12 Telecommunications Supply

Prior to the issue of a Subdivision Certificate, the applicant shall provide to Council written confirmation from Telstra that arrangements have been made for telecommunication cabling to all lots.

E13 Construction of Road works

Prior to the issue of a Subdivision Certificate, the applicant shall provide written confirmation/certification that the approved roadworks including associated drainage and erosion/sediment controls have been constructed in accordance with design plans subject of the Construction Certificate.

Monetary Contributions

E15 Section 94 Contributions – Environmental Planning and Assessment Act 1979

Prior to the issue of the Subdivision Certificate, the applicant shall pay Council contributions at the rate current at the time of payment under Section 94 of the *Environmental Planning and Assessment Act 1979* and the following Contributions Plans. Section 94 Contributions Plans can be inspected at Council's Bega Office during normal business hours.. The following contributions currently apply to this subdivision:

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

Recreational facilities \$ 1,086.00

Allocation No. 1679-016

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

- b) Section 94 Contributions Plan No. 3 – Recreational Facilities and Public Reserves

Public reserve acquisition \$ 224.60

Allocation No. 1500-015

This contribution will be applied to the acquisition of land for public reserves or for embellishment of existing public reserves at Wonboyn.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

There are no Part F conditions relevant to this consent.

PART G—POST OCCUPATION

There are no Part G conditions relevant to this consent.

PART H—GENERAL TERMS

H1 Bushfire Safety

The following bushfire hazard reduction measures are to be undertaken, details must be provided on the Construction Certificate plans.

- a) The proposed right of carriageway shall comply with Section 4.3.2 of Planning for Bushfire Protection 2001.

- b) The western 50 metres of Lot 2 shall be managed and maintained as an Outer Protection Area as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001. The remainder of Lot 2 shall be managed and maintained as an Inner Outer Protection Area as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001.
- c) The existing dwelling shall be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This may include all subfloor areas and eaves.
- d) Proposed building envelopes shall not be located within the APZ recommended in the Bushfire Assessment report.

H2 Section 138 Permit

Prior to the commencement of any construction works within the road reserve, the applicant shall obtain a Section 138-Permit from Council to undertake such works. A traffic control plan, prepared by a suitably qualified consultant, certified by the Roads and Traffic Authority in work site traffic control plan preparation, is to be submitted to Council along with the following information to allow completion of the Section 138 form:

- a) The contractors ACN or ARBN number;
- b) A description of the work to be undertaken and the location e.g., property address;
- c) The dates for commencement and completion of the work;
- d) A copy of the contractors \$20,000,000 public liability policy to indemnify Council;
- e) A Direction to Restrict Traffic Speed (DRTR), where applicable, from the RTAs Traffic Operations Unit. Contact: Southern speedzoning@rta.nsw.gov.au Or fax 4227 3705 or Ph 4221 2556

The consultant is to certify that the traffic control plan complies with the current RTA manual 'Traffic Control at Work Sites'. Copies of records of inspections of traffic control layouts must be sent to Council after completion of works.

ADVISORY NOTES

AN1 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN2 Section 4.3.2 of Planning for Bushfire Protection 2001.

The relevant requirements are:

- A minimum trafficable width of 4m with an additional 1m wide strip on each side of the road kept clear of bushes and long grass.
- The road should have a passing bay about every 200m where possible, which should be 20m long by 3m wide, making a minimum trafficable width of 7m at the passing bay.
- The capacity of road surfaces should be sufficient to carry fully loaded firefighting vehicles (approximately 28 tonnes or 9 tonnes per axle).
- A minimum vertical clearance of 6m to any overhanging obstructions, including tree branches.
- Maximum grades should not exceed 15° and preferably not more than 10°.
- Roads should provide sufficient width to allow firefighting vehicle crews to work with firefighting equipment about the vehicle.

- Roads should be clearly sign-posted.

AN3 Existing buildings

This development consent is for the subdivision of land and associated works. No approval of existing buildings or structures is granted or implied by this consent.

AN4 Principal Certifying Authority

The subdivider shall appoint a Principal Certifying Authority for this development, who will have the responsibility to issue a Subdivision Certificate in conformity with the relevant provisions of the Environmental Planning and Assessment Act 1979 and related Regulations.

At the date of this consent, only the Bega Valley Shire Council is able to carry out the functions of a Principal Certifying Authority for subdivisions.

Issue of a Subdivision Certificate (refer Section 109(1)(d) of the Act incorporates that certification. On issue of the Certificate it is the applicant's responsibility to lodge the plan with LPI. A fee applies for the Certificate (currently \$187.00 plus \$25.00 per lot created) and plan printing (currently \$25.20) for provision of copies to Government Departments and sections within Council.

AN5 Construction Certificate

The notification to Council of the appointment of the Principal Certifying Authority and intention to commence work must be submitted in the manner specified by Council.

AN6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.