



6 February 2012

R Miller
C/- Caddey Searl & Jarman
PO Box 259
Bega NSW 2550

NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by granting consent under Clause 18 of the *Bega Valley Local Environmental Plan 2002* subject to conditions.

APPLICANT	R Miller C/- Caddey Searl & Jarman
LAND	Lots 1, 2 and 3 DP 827161, Lot 1 DP 69801 and Lot 9 DP 750190
LOCATION	1614 Tathra Road BEGA
ZONE	1(a) Rural General Zone
PROPOSED DEVELOPMENT	Subdivision to create a lot for proposed hospital
CLASSIFICATION(S) UNDER BUILDING CODE OF AUSTRALIA	N/A
DETERMINATION MADE ON	6 February 2012
CONSENT TO OPERATE FROM	6 February 2012
CONSENT TO LAPSE ON	6 February 2017

ADDRESS ALL
CORRESPONDENCE TO:

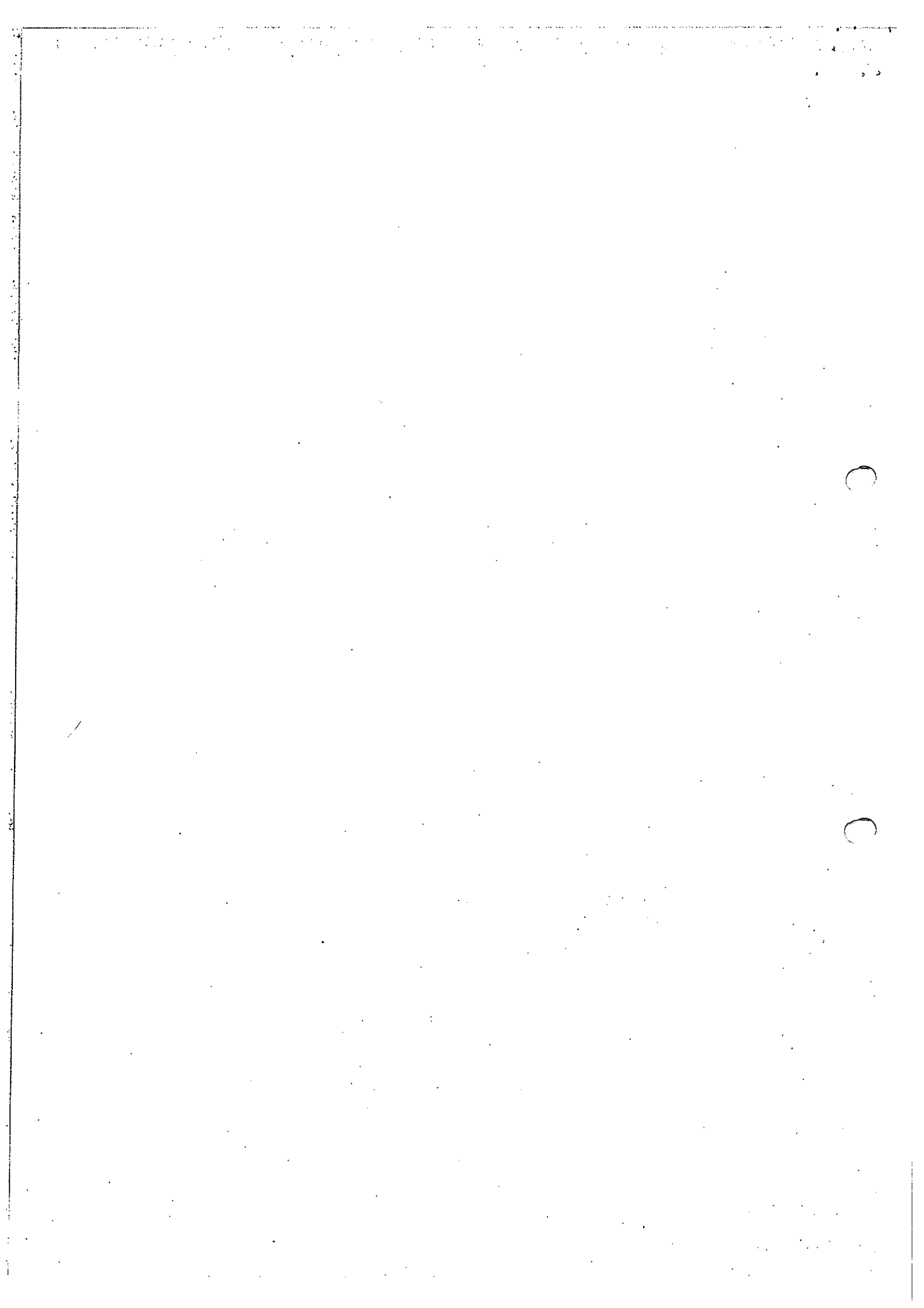
PO Box 492
Bega NSW 2550
DX 4904
ABN 26 987 935 332

Council Chambers
Zingel Place, Bega

PHONE
(02) 6499 2222
FAX
(02) 6499 2200

INFORMATION
www.begavalley.nsw.gov.au
EMAIL
council@begavalley.nsw.gov.au

DEVELOPMENT CONSENT



Conditions of approval

1. The plan of subdivision shall be in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans and by the following conditions.
2. The proposed Lot described as Hospital is created for another purpose pursuant to Clause 18 of the *Bega Valley Local Environmental Plan, 2002*, and the erection of a dwelling-house on this land is prohibited. The final plan of subdivision shall include a suitable restrictive covenant pursuant to Section 88B of the *Conveyancing Act, 1919* which prohibits the erection of a dwelling house on this land. The Council shall be the authority benefited by this covenant and the Council shall have sole authority to release, vary or modify this covenant.
3. This development consent is for the subdivision of land and related works. No approval of existing buildings or structures is granted or implied by this consent.
4. As part of any subsequent subdivision certificate application, the applicant shall submit to Council documentary evidence / compliance certificate to confirm compliance with all conditions of this Consent.
5. 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 endorsement of this development consent, only the Council is able to carry out the functions of a Principal Certifying Authority for subdivisions.

6. The subdivider must obtain a Subdivision Certificate for this subdivision from the appointed Principal Certifying Authority before the plan of subdivision can be registered by the Department of Land and Property Information NSW. All conditions of consent must be satisfied, or suitable bonding arrangements made with Council, before a Subdivision Certificate can be issued. A copy of the prescribed form for an Application for a Subdivision Certificate is enclosed. (Council's current fee for a Subdivision Certificate as at the date of this consent is \$ 450).
7. 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 as a prerequisite to the endorsement of the Subdivision Certificate by the Principal Certifying Authority.
8. Each allotment in the proposed subdivision shall be serviced with electricity at no cost to Council. A letter from Country Energy advising that its requirements have been met shall be sufficient to establish compliance with this condition.
9. The subdivider shall arrange for the provision of telephone services to the lots in the subdivision. Prior to the endorsement of a subdivision certificate, the subdivider shall submit to the Principal Certifying Authority written notification from a recognised telecommunications carrier to confirm that arrangements have been undertaken to satisfy this condition.
10. **Bush Fire Safety Authority under the provisions of Section 100B of the Rural Fires Act 1997**
The subdivision shall comply with the requirements of the Bush Fire Safety Authority,

issued by the NSW Rural Fire Service, dated 28 November 2011.

Note: The general terms of approval issued by the NSW RFS are provided as Attachment A to this development consent.

Subdivision Engineering Conditions:

11. Procedures - Requirements before commencement of subdivision work:

- A. Subdivision work in accordance with this development consent must not be commenced until:
- a) **Construction Certificate** for this subdivision work has been issued by:
 - i) the council, or
 - ii) an accredited certifier, and
 - b) the person having the benefit of this development consent:
 - i) has appointed the Council as Principal Certifying Authority for this development, and
 - ii) has notified the Council of this appointment (see below), and
 - c) the person having the benefit of this development consent has given at least 2 days notice to the Council of the person's intention to commence the subdivision work.

The notification to Council of appointment of the Principal Certifying Authority and intention to commence work must be submitted on the form prepared by the Council for that purpose.

- B. The notification to Council of appointment of the Principal Certifying Authority must contain the following information:
- a) the name and address of the person by whom the notice is being given, and
 - b) a description of the work to be carried out, and
 - c) the address of the land on which the work is to be carried out, and
 - d) the registered number and date of issue of this development consent, and
 - e) the name and address of the Principal Certifying Authority (Council).
- C. The notice to Council of intention to commence the subdivision work must contain the following information:
- a) the name and address of the person by whom the notice is being given, and
 - b) a description of the work to be carried out, and
 - c) the address of the land on which the work is to be carried out, and
 - d) the registered number and date of issue of this development consent, and

- e) the registered number and date of issue of the relevant Construction Certificate, and
 - f) a statement signed by or on behalf of the Principal Certifying Authority (Council) to the effect that all conditions of the consent that are required to be satisfied prior to the work being commenced have been satisfied, and
 - g) the date on which the work is intended to commence.
- D. The 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 and construction and design specifications and sound engineering practice.
- E. Any levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be paid before the Construction Certificate is issued.
- F. Payment to Council of a security deposit for the making good of any damage caused to any Council property as a consequence of the doing of anything to which this consent relates. This security shall be provided in an amount of 5 per cent of the value of the construction works, either as a cash deposit or unconditional bank guarantee. A bond administration fee may also be payable to Council.

(Reason: Statutory requirements. See *Environmental Planning and Assessment Act 1979*, Sections 80A, 81A and 109F and *Environmental Planning and Assessment Regulation 2000*, Clauses 103 and 104.)

12. **Easements for services**

The plan of subdivision shall establish easements for services as necessary to provide for the connection of water supply, sewerage, electricity and telecommunications services to lots.

(Reason: to secure the authority for land benefited to install, use and maintain connections to utility services across other land.)

13. **Dedication of road widening**

The final plan of subdivision shall include the dedication as Public Road of such land as is necessary to contain the construction of a road to serve as access to future development. 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.

Note: The future developer of the proposed hospital lot and residue lot will be responsible for the full cost of the construction of the future public road marked on the approved plan.

(Reason: To rectify encroachments as part of the subdivision).

14. **Dedication of splay corners at road junctions**

The final plan of subdivision shall include the dedication as Public Road of splay corners 5 metres by 5 metres at each road junction.

(Reason: To improve sight distance and space for utility services at road junctions).

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94 Development Contribution Plan and Tree Preservation Order.*

Notes:

1. In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan – Fees and Charges, is payable for such a review.
2. Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.
3. Before any subdivision works are commenced a Construction Certificate must be obtained from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the Office of Environment and Heritage and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority.
6. 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.



Mark Fowler
Development Control Planner
FOR BEGA VALLEY SHIRE COUNCIL

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

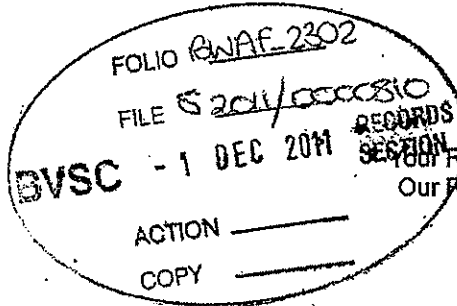
Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Bega Valley Shire Council
PO Box 492
Bega NSW 2550



Your Ref: 2011.427
Our Ref: D11/2219
DA11110780722 LC

ATTENTION: M B Fowler

28 November 2011

Dear Sir / Madam

Integrated Development for 1/827161 Tathra Road Bega 2550

I refer to your letter dated 1 November 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Caddey Searl & Jaman numbered 62615, dated 6 September 2011.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of subdivision certificate and in perpetuity the property around the existing building to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilites

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and

electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. New development is to comply with water, electricity and gas requirements in section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Any future public road, property or internal access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

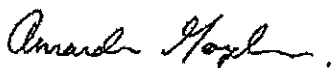
6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

Any future development application lodged within this subdivision will be subject to the requirements as set out in 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Lauren Cole on 8741 5175.

Yours sincerely



Amanda Moylan
Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.