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**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF DEVELOPMENT APPLICATION NO. 115-5-2004**

**(FILE NO. S04/01106 PT 1)**

**PROPOSED 3 LOT SUBDIVISION**

**Lot 10 DP 815169 Alex Pike Drive, Raleigh**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10(2) 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) Minimise the impacts of the development on the environment.
- (2) Ensure the amenity of the existing environment is maintained.
- (3) Ensure appropriate use of the site.

Craig Knowles MP  
**Minister for Infrastructure and Planning**  
**Minister for Natural Resources**

Sydney,

2004

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The reasons for the imposition of conditions are:

- (4) Minimise the impacts of the development on the environment.
- (5) Ensure the amenity of the existing environment is maintained.
- (6) Ensure appropriate use of the site.

Michael Egan MLC  
**Acting Minister for Infrastructure and Planning**  
**Acting Minister for Natural Resources**

Sydney,

2004

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- 3) Ensure appropriate use of the site.

Diane Beamer MP

**Minister for Juvenile Justice**

**Minister for Western Sydney**

**Minister Assisting the Minister for Infrastructure and Planning  
(Planning Administration)**

Sydney,

2004

## SCHEDULE 1

**PART A—TABLE**

<b>Application made by:</b>	Bellingen Shire Council Hyde St Bellingen 2454
<b>Application made to:</b>	Minister for Infrastructure and Planning
<b>Development Application:</b>	115-5-2004
<b>On land comprising:</b>	Lot 10 DP 815169 Alex Pike Drive, Raleigh
<b>For the carrying out of:</b>	54 Lot Residential Subdivision, plus residue lot
<b>Estimated Cost of Works</b>	N/A - subdivision
<b>Type of development:</b>	State Significant Development
<b>S.119 Public inquiry held:</b>	No
<b>BCA building class:</b>	N/A
<b>Approval Body / Bodies:</b>	N/A
<b>Determination made on:</b>	
<b>Determination:</b>	A development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the accompanying letter.
<b>Date consent is liable to lapse</b>	<p>This consent will lapse 5 years from the date of commencement of consent, unless:</p> <ul style="list-style-type: none"> <li>▪ a shorter period of time is specified by the Regulations or a condition in Schedule 2, or</li> <li>▪ the development has substantially commenced.</li> </ul>

**PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 115-5-2004*****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:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or

- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

***Section 94 Conditions***

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with Bellingen Shire Council's section 94 contributions plan. This document may be inspected at the following location:

- Bellingen Shire Council

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

**PART C—DEFINITIONS**

In this consent,

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

**Applicant** means Bellingen Shire Council 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 Bellingen Shire Council.

**DA No. 115-5-2004** means the development application and supporting documentation submitted by the applicant on 18 May 2004.

**Department** means the Department of Infrastructure, Planning and Natural Resources or its successors.

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

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

**Minister** means the Minister for Infrastructure and 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.

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## SCHEDULE 2

### CONDITIONS OF CONSENT

#### DEVELOPMENT APPLICATION NO. 115-5-2004

1. Development consent is granted only to carrying out the development described in detail below:
  - (a) Development Application and Statement of Environmental Effects for Proposed Subdivision, Lot 10 DP 815169 Alex Pike Drive, Raleigh April 2004. Prepared by PCPlanning Pty Ltd on behalf of Bellingen Shire Council.
  - (b) Consideration of Threatened Species and SEPP 44 Koala Habitat Survey for Proposed Subdivision, Lot 10 DP 815169 Alex Pike Drive, Raleigh April 2004. Prepared by Chris Moon Koala Survey and Management Services.
  - (c) Bellingen Shire Council, Proposed Two Lot Industrial Subdivision at Alex Pike Drive, Raleigh - Wastewater Disposal System Report, March 2004. Prepared by GHD Pty Ltd.
2. The development shall be generally in accordance with development application number 115-5-2004 submitted by the applicant on 18 May 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:
  - (a) Subdivision Plan titled: Plan of Subdivision of Lot 10 DP 815169 Alex Pike Drive, Raleigh – prepared by Michael F Lamont Resources Design and Management Pty Ltd, dated 10 June 2004.
3. The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.
4. This consent does not allow for any construction or excavation works to commence on site. Prior to any works being carried out, the appropriate consent must be obtained.
5. Prior to the issue of a Subdivision Certificate, the applicant is to provide to the issuing authority, a survey plan of subdivision including a copy of the proposed instrument under Section 88B of the *Conveyancing Act 1919*.
6. Documentary easements for services must be created over the appropriate lots in accordance with section 88B of the *Conveyancing Act 1919*. In particular, the easement for access to Lot 9 DP 839899.
7. The applicant shall provide a letter from Country Energy and Compliance Certificate from Telstra stating that satisfactory arrangements have been made for the supply of electricity and telephone services in the subdivision. This letter and certificate are to be provided to Council, prior to the release of the subdivision. Easements for the electricity purposes, satisfactory to Country Energy, shall be created over existing and proposed electricity lines (pursuant to Section 88B of the *Conveyancing Act*).

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8. All erosion and sediment control measures/ works, other pollution control and rehabilitation measures undertaken on the site shall conform to or exceed the specifications and standards contained in the current versions of:
    - Managing Urban Stormwater, Soil and Construction Guidelines (Department of Housing 1998).
  9. Any on-site sewage management system for proposed new lots shall be consistent with the recommendations of the Effluent Disposal Evaluation report, prepared by GHD Pty Ltd dated April 2004 or such other system as approved by Bellingen Shire Council.
  10. The service infrastructure provisions and the Alex Pike Drive, public road frontage of all of the proposed 3 new lots must be brought to contemporary urban industrial subdivision standard, in accordance with the requirements of this condition and at no cost to Council. This provision includes construction provision of road kerbing, guttering, drainage, watermain and driveways.
  11. Each lot of the subdivision must be provided with a suitably paved and drained road for vehicular and pedestrian access connected to the local practical road network
  12. All road and utility service infrastructure works within and external to the site as necessitated by this consent must be provided as part of the development. These works must be carried out to the satisfaction of the Director of Engineering and Operations, generally in accordance with Council's "Standard Conditions for Engineering Works Associated with Developments". The design drawings and specifications including an (works) Environmental Management Plan must be submitted to and approved by the Director of Engineering and Operations prior to commencement of any work.
  13. Industrial standard reinforced concrete driveways are required for each lot *but only as part of their subsequent, future, industrial development*.

These must be of not less than 200 mm thickness N25 concrete with not less than 2 layers of F82 (equivalent) reinforcing fabric and continuous between the street kerb and lot boundaries.

Internally, within each lot, an access driveway must be provided suitably formed, drained and surfaced to provide safe all weather 2 wheel drive sedan access for vehicles typical of the Australian vehicle fleet.

    - (a) Where gradients approach or exceed 15% the driveway surface must be bitumen sealed or concreted (strips or slab), in accordance with the Council's policy.
    - (b) The completed internal driveway must not create any drainage-related nuisance (including the deposition of gravel, concentrated stormwater etc) to other land including the public road.

The vehicular driveway installations must not be associated with or introduce any unapproved and/or potentially hazardous installations (*including but not limited to raised 'edging', unauthorised landscaping, signage, storage and the like*) in or affecting the public road reserve.



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14. Within private property access driveways must be provided suitably formed, drained and surfaced to provide safe all weather 2 wheel drive sedan access for vehicles typical of the Australian vehicle fleet.
- (a) Where gradients approach or exceed 15% the driveway surface must be bitumen sealed or concreted (strips or slab), in accordance with the Council's policy.
  - (b) The completed internal driveway must not create any drainage-related nuisance (including the deposition of gravel etc) to other land including the public road
15. Driveways must be provided as follows:
- (a) The external driveways, within the road reserve, must be constructed as part of the subsequent, later, industrial development of the lots.
  - (b) The internal access driveways to lots 1 and 2 may be constructed (individually) when the further development of those lots occurs and in accordance with the nature of those developments and their consents.
  - (c) The external driveways to lots 1 and 3 must be consistent with locational and overall, including internal, profile designs approved before construction.
  - (d) The internal access driveway to lot 3, between the Alex Pike Drive public road boundary and the toe of the steep slope within the access handle and the swamp and the northern boundary of lot 2, must be designed and constructed as part of the creation of lot 3 and *before the release of any Subdivision Certificate*. This internal access driveway pavement may be in light gravel construction sufficient only to ensure general safe vehicular accessibility. This driveway must also be consistent with the accommodation of the drainage channel and easement also sharing the access 'handle' of the lot.  
[The likely impacts of the development in respect of vehicular traffic, access, safety, construction and site attributes]
16. Any activity within or affecting the road reserve, including driveway, ancillary or other frontage or on-site works, must ensure:
- (a) Compliance with the conditions of consent and including any complementary consent pursuant to the Roads Act 1993 and specific to this Development Application;
  - (b) Satisfaction of the relevant provisions of Council's infrastructure code, *"Standard Conditions for Engineering Works Associated With Developments"*;
  - (c) Protection of the safety, utility, amenity and durability of the adjacent public road and any utility, amenity installation and avoid creating any drainage nuisance;
  - (d) The road reserve and Council infrastructure related policy adjudication of the Director of Engineering and Operations.
17. Any utility service installation to the property and which affects any sealed road pavement must not be trenched. Such services, except drainage, must be laid using under road boring techniques and placed in durable traffic load supporting conduits with not less than 450 mm cover.
18. Stormwater discharge pipeline(s) across the public footway/verge areas of any public road reserve must:
- (a) Be constructed, of pipes in either *ductile iron or class 12 (PN) UPVC*; or steel reinforced concrete pipe material, not less than 100 mm ID, and
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- (b) Be in accordance with any site specific Roads Act consent conditions; and
  - (c) Be connected to;
    - any street gutter via a proprietary kerb adaptor conforming to the kerb profile and inserted, where not already existing, by clean cut concrete sawing,
- OR**
- to another drainage system in a nuisance free manner as approved appropriate to the site circumstances.

19. The vertical profile of the vehicular access driveways must be:

- (a) Suited to safely controlled vehicle entry into the public road reserve and the vehicular carriageway therein;
- (b) Compatible with, Fig. D1, *Vehicle Clearance Template*, of AS 2890.1; and
- (c) Suited for use by two wheel drive passenger vehicles (cars etc), typical of the Australian vehicle fleet.

20. The construction of vehicular access driveway (and any ancillary, other frontage or on-site works or activities) are to ensure protection of the safety, utility, amenity and durability of the adjacent public road and any utility, amenity installation and avoid creating any drainage nuisance.

21. Any activity within the road reserve must satisfy:

- (a) The conditions of consent and including any complementary consent pursuant to the Roads Act 1993 and specific to this Activity Application;
- (b) The relevant provisions of Council's, *"Standard Conditions for Engineering Works Associated With Developments"*, and
- (c) The road reserve and Council infrastructure related policy adjudication of the Director of Engineering and Operations

22. A drainage system must be provided from the cul-de-sac turning head in Alex Pike Drive, piped clear of the road reserve and provided with a suitable discharge system within the access 'handle' to the body of lot 3, to a discharge provision at the toe of the hill slope and the wetland. The design of this system must be approved and constructed *prior to the issue of a Subdivision Certificate*.

The drainage system must be designed for compatibility with a parallel vehicular access pavement within the access 'handle' of lot 3 and include all necessary vehicular crossings, erosion protection and sediment control and retention of an effective screen of small trees along the western boundary

23. Council acceptance of 'works' required by the consent conditions may require independent certification. That must be generally consistent with sections 17 and 19 of Council's civil development policy code, *"Standard Conditions for Engineering Works Associated With Developments"*.

For acceptance the 'works' and associated activities must be such that unequivocal certification can be given, generally as follows;

"the access, drainage, ancillary and other civil construction (etc, etc) conforms with the approved access etc design(s) and the intent and the precise specification included in the various conditions of *this and the associated Roads Act consents*."

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24. The developer is to pay to Council the following contributions, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 prior to the issue of the subdivision certificate:

(a) Community Services and Amenities (per allotment):

Entire Council Area:  $\$632.88 \times 2 = \$1,265.76$

Catchment (Seaboard):  $\$9.10 \times 2 = \$18.20$

Area (Raleigh):  $\$2,231.18 \times 2 = \$4,462.36$

**Total: \$5,746.32**

(b) Bellingen Council Roads (per allotment):

Shire Wide Contribution:  $\$381.11 \times 2 = \$762.22$

**Total: \$762.22**

(c) Bushfire Services Contribution Plan (per allotment):

Shire wide contribution:  $\$331.46 \times 2 = \$662.92$

Brigade Areas (Raleigh):  $\$223.53 \times 2 = \$447.06$

**Total: \$1,109.98**

(d) Water Supply Augmentation Charges (per ET):

Urunga:  $\$6157 \times 2 = \$12,314$

**Total: \$12,314**