

Date: 16<sup>th</sup> July 2024

The General Manager  
Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2482

RE. DA 10.2023.243.1 (PAN-344602)  
S4.55 Modification  
20 Bilin Road, Myocum  
LOT: 13 DP: 830652

Dear Sir,

This covering letter provides for a proposed S4.55 modification to an approved two lot subdivision at 20 Bilin Road, Myocum legally known as Lot 13 of DP 830052, approved under DA 10.2023.243.1.

The intent of this application is to remove the following conditions relating to NBN Fibre-ready facilities considering that upon further investigation, the subject site is not able to be provided with any NBN fibre connections and other arrangements will be made via wireless communications.

**7. Fibre-ready Facilities and Telecommunications Infrastructure**

Prior to the issue of the Subdivision Works Certificate, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i) 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. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- ii) 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 meanings given in section 372Q of the Telecommunications Act).

**28. Fibre-ready Facilities and Telecommunications Infrastructure**

Prior to the issue of the Subdivision in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i) 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. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- ii) 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 meanings given in section 372Q of the Telecommunications Act).

Attachment A shows the proposal has obtained an exemption under the Telecommunications Act 1997, under the Telecommunications (Fibre-ready Facilities—Exempt Real Estate Development Projects) Instrument 2021.

The proposed modification is minor in nature and does not propose any changes to the subdivision layout that would result in any changed or additional environmental impacts, other than those already considered in the original DA. The proposal is clearly significantly the same development as originally approved.

Owner's consent is provided with the proposed s4.55 modification application.

The application satisfies the requirements of the applicable regulations.

Please contact our office if you require any further information.

Yours sincerely,

Balanced Systems Planning Consultants

