

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn by	Dated
01	2	Site Plan 01	Archimages	01/12/2022
02	02	Site Plan 02	Archimages	01/12/2022
03		Site Plan – Landscape	Archimages	
C-01	2	Typical Cabin	Archimages	01/12/2022
C-02	2	Cabin – Elevations and Sections	Archimages	01/12/2022
Model Drawing Rev 2		Typical Rural Property Access Northern Region	Transport for NSW	19/05/2020
Final VMP		Vegetation Management Plan	Bushland Restoration Services	26/10/2021
21529_LUCRA.doc x		Land Use Conflict Risk Assessment, Proposed Rural Function Centre and Tourist Facility at 72 Lawlers Lane Bangalow	Greg Alderson Associates	June 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. Conditions prescribed by the Regulation

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in **Schedule 3** of this consent.

3. Integrated Approvals from other State Government Approval Bodies

This development consent includes an integrated development approval under Sections 4.46 and 4.47 of the *Environmental Planning and Assessment Act 1979*, being a Bush Fire Safety

Authority issued under Section 100B of the *Rural Fires Act 1997* for development of land for special fire protection purposes and is subject to the General Terms of Approval from the NSW Rural Fire Service dated 3 May 2023 contained in **Schedule 4** of this Notice of Determination.

4. **Swimming pools**

Only four swimming pools are approved under this consent for Cabins 1, 2, 3 and 4. Swimming pools are not approved for Cabins 5 and 6.

The following conditions are to be complied with prior to issue of a construction certificate for building works

5. **Amendment to the plans**

The plans submitted for approval with the construction certificate application must be amended as follows:

Swimming pools not included for Cabins 5 and 6

1. Separate plans, elevations, and sections for Cabins 5 and 6 must be submitted which do not feature swimming pools. The swimming pools currently illustrated on the approved plans and elevations are to be replaced with decking.

Access and facilities for disabled

2. The application for a construction certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to at least one of the proposed cabins, as follows:
 - a. Access should be provided to and within the facilities in accordance with the provisions of the BCA and AS1428.1 – Design for Access and Mobility –General Requirements for Access – New Buildings; and
 - b. Parking should be provided in accordance with Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities.

6. **Long Service Levy to be paid**

In accordance with Section 6.8 of the *Environmental Planning and Assessment Act 1979* (as amended), a construction certificate for subdivision works or building works shall not be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

Proof of payment is required to be submitted with the Construction Certificate application. For further information regarding the Long Service Payment please refer to the website above.

7. **On-site sewage management facility Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal must be obtained from Council prior to issue of a construction certificate. Such approval must be issued after the date of this consent.

The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which

addresses the site-specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

8. Section 7.12 Levy to be paid

The levy will be calculated as follows:

Levy payable = %C x \$C

- **%C** is the levy rate applicable as set out in the latest Ministerial Direction issued under section 7.17.
- **\$C** is the proposed cost of carrying out the development.

The rate of **%C** is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development must be calculated in accordance with clause 25J of the Regulation. The Cost Summary Report as set out in schedule 2 of the Section 7.12 contributions plan must be submitted to Council with the payment. The cost summary report must be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from Council's website.

9. Payment of security deposits

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Security deposit	\$10,000
Inspection fee	\$200

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

10. Geotechnical Report required – Engineering Works

A certificate from a professional Engineer experienced in soil mechanics is to be provided to the Registered Certifier, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate,
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works; and
- c) adequate drainage has been provided.

11. Sediment and Erosion Control Management Plan required

The application for a construction certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

Such plans and specifications must be approved as part of the Construction Certificate.

Note: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

12. Stormwater drainage – connection to existing drainage system

The application for a construction certificate is to include plans and specifications for stormwater drainage in accordance with AS/NZS 3500.3:2003, Plumbing and drainage, Part 3: Stormwater drainage. All stormwater drainage for the development must be conveyed by a gravity system to the existing stormwater drainage system within the site. Such plans and specifications must be approved as part of the construction certificate.

13. Consent required for works within the road reserve

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Driveway	A driveway in accordance with Type 1 of Transport for NSW – Typical Rural Property Access Northern Region Version 2 dated 19/05/2020.
Road pavement, sealing and drainage	Extension and upgrading of the sealed road, road pavement and drainage up to 20m past the proposed development driveway in Lawlers Lane and including any necessary relocation of services. The extension and upgrading works must be in accordance with Table 1.27 of D1 Geometric Road Design of the Northern Rivers Local Government Design and Construction Guidelines to meet the maximum traffic volume specified in the table.

14. Traffic Management Plan (TMP)

Prior to issue of the construction certificate, consent from Council must be obtained for a Traffic Management Plan (TMP) pursuant to Section 138 of the *Roads Act 1993*. The plans and

specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The TMP is to be designed in accordance with the requirements of the current version of the Transport for NSW *Traffic Control at Work Sites Technical Manual*.

The report must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The TMP and associated traffic guidance scheme/s must be prepared by a suitably qualified Transport for NSW accredited person.

15. Car parking layout, vehicle circulation and access plans required.

The application for a construction certificate is to include plans and specification that indicate access, parking, and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) minimum of 6 parking spaces.
- b) parking spaces to be designed to meet User Class 2 for angle parking and parallel parking.
- c) supply and design of accessible parking in accordance with BCA and AS2890.6:2009 respectively.
- d) minimum 150mm compacted pavement including sealed surface.
- e) 4m sealed carriageway plus 1m shoulder and table drains.
- f) Passing bay 6mwide sealed carriageway plus 1m shoulders and table drains every 200m.
- g) site conditions affecting the access.
- h) existing and design levels.
- i) longitudinal section from the road centreline to the car space(s).
- j) cross sections every 15 metres.
- k) drainage details; and
- l) turning paths.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Such plans and specifications must be approved as part of the Construction Certificate.

Note: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

16. Rainwater tanks - amendment to the plan required

The plans submitted for approval of the construction certificate must be amended to demonstrate that the rural tourist accommodation cabins have a minimum domestic tank capacity of 10,000 litres per cabin, exclusive of any additional water storage required for firefighting purposes required by this development consent. Water storage tanks may be provided individually or collectively for the development.

Such plans are to be approved as part of the Construction Certificate.

17. Potable Water Supply Management Plan

A Quality Assurance Program (QAP) or Drinking Water Management System, prepared in accordance with the 'NSW Private Water Supply Guidelines', must be submitted to the Registered Certifier for approval as part of the construction certificate application. The QAP must be prepared by a suitable qualified professional.

<http://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf>

18. Agricultural/Vegetated Buffer

An Agricultural Vegetated Buffer Plan is to be submitted to Council for approval detailing a planted vegetation buffer along the north-eastern boundary of the site as identified in the approved Land Use Conflict Risk Assessment prepared by Greg Alderson Associates dated June 2021 to minimise spray drift from the adjoining stone fruit plantation.

The vegetation screen must be structured as follows:

- (1) Three rows of trees are to be planted within the buffer. One row is to consist of taller species, the second-row middle height species, and the final row consisting lower height species. The taller species are to be planted closest to the dwelling. The height of the trees is to decrease towards the stone fruit plantation.
- (2) The selection of tree species is to consist of a variety of heights at maturity and a variety of leaf shapes. The screen is not to result in a 'wall' of vegetation so as to allow a percentage of wind to pass through.
- (3) Trees are to be spaced at 4m separation and shrubs spaced at 2m. All plantings are to be mulched, fertilised and watered for the first twelve months after planting.
- (4) The vegetation buffer plan must indicate:
 - (a) proposed location for planted shrubs and trees.
 - (b) botanical name of shrubs and trees to be planted.
 - (c) mature height of trees to be planted.
 - (d) location of trees identified for retention in the development application plans.

The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping. Such plans and specifications must be approved as part of the construction certificate.

19. Construction site management plan

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety.
- pedestrian and vehicular site access points and construction activity zones.

- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable) details of any bulk earthworks to be carried out.
- location of site storage areas and sheds.
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

20. Building materials and colours to be specified

The application for a construction certificate is to include plans and specifications that indicate the proposed building materials and colours substantially consistent with Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must be non-reflective recessive earth tone colours and that the use of white and near white colours is not permissible.

Such plans and specifications must be approved as part of the Construction Certificate.

21. Details of pool fence required

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pools for the cabins in accordance with the Swimming Pools Act 1992 and AS1926.1.

Such plans and specifications must be approved as part of the construction certificate.

22. Landscaping plan required

The application for a construction certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- adequate landscaping, including shrubs, grasses, and trees, for the earth batters and areas of cut associated with the proposed internal access road, turn around area and car parking bays.
- adequate landscaping and screen plantings to provide privacy and amenity between rural tourist accommodation structures.
- Use of native species endemic to the local area.
- proposed location for planted shrubs and trees.
- botanical name of shrubs and trees to be planted.
- mature height of trees to be planted.
- location of grassed and paved areas, and
- location of trees identified for retention in the development application plans.
- The plan is to be prepared by a suitably qualified landscape architect / architect /ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the construction certificate.

Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2019.

23. Waste Management Plan

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

a. Council's Waste Management Development Control Plan

OR

b. details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

24. Tree Removal

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

The following conditions are to be complied with prior any building or construction works

25. Erosion and Sediment Control Management Plan to be implemented

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e., by permanent vegetation cover or hard surface).

Note: Council may impose on-the-spot fines for non-compliance with this condition.

26. Traffic Management Plan

The approved traffic management plan is to be implemented.

27. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians, and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

28. Dilapidation Reports required

Prior to the commencement of any excavation works requiring rock drilling, blasting, or breaking, a pre-construction Dilapidation Report is to be submitted to Council detailing the current condition of all adjoining buildings, infrastructure, and roads.

A second Dilapidation Report must be submitted to Council, prior to occupation of the building (whole or partial), to ascertain if any structural damage has occurred to any adjoining building, infrastructure, or roads.

29. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The following conditions are to be complied with during any building or construction works

30. Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 6pm on Monday to Friday.
- 8am to 1pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

31. Construction noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

32. Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on the work site:

- a. stating that unauthorised entry to the work site is prohibited, and

- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours,

Any such sign is to be removed when the work has been completed

33. Builders rubbish to be contained on site

All builder's rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

34. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

35. Prevention of water pollution

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

36. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

37. Stormwater drainage work

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.

38. All excavated soils to be disposed of off-site

All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.

39. Excavated natural materials and demolition waste disposal

Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a [NSW Protection of The Environment Operations Act s143 Notice](#).

40. External materials and colours

To ensure the development is compatible with the surrounding environment, external colours and finishes must be in accordance with the approved schedule of colours and finishes.

41. Aboriginal Relics

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - b. is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

42. Inspection for on-site sewage management

All plumbing and drainage works is to be installed by a suitably qualified person. The plumber must adhere to the requirements of the NSW Code of Practice and AS/NZ 3500. The plumber is to arrange for the following inspections to be undertaken:

- a. Internal drainage prior to covering of the works.
- b. External drainage prior to the covering of works.
- c. Irrigation installation prior to the covering of works.
- d. Final.

43. Vegetated spray drift buffer

The Registered Certifier must ensure that fifty percent of plantings for the Agricultural Spray Buffer are to be completed in accordance with the approved agricultural/vegetated buffer plan during construction. The remaining fifty percent of planting must be completed prior to the issue of an occupation certificate for the proposed development.

44. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

The following conditions are to be complied with prior to issue of occupation certificate

45. Certification of potable water supply

Prior to the issue of any occupation certificate, the supervising plumber is required to provide documentation to the Registered Certifier, confirming that the water supply to the development complies with the approved Quality Assurance Program and meets the requirements of the *Public Health Act 2010*, including any requirement for backflow devices.

46. On-site sewage management systems must be completed

The on-site sewage management systems are to be constructed in accordance with approved plans and in accordance with current specifications and standards. These systems are not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

47. Approval to Operate required

In accordance with the *Local Government Act 1993*, an Approval to Operate the onsite sewage management systems must be obtained from Council. Forms may be downloaded from Council’s website with '<http://www.byron.nsw.gov.au/on-site-sewage>'.

- 48. Roadworks, driveway, and parking areas to be completed.**
The roadworks, driveway and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.
- 49. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997**
Documentary evidence from a suitably qualified professional is to be submitted to the Registered Certifier demonstrating that the bushfire conditions as issued under Section 100B of the *Rural fire Act 1997* have been complied with.
- 50. Internal path**
All-weather pathways must be constructed between the car parking areas and cabins to provide suitable pedestrian access for guests.
- 51. Landscaping to be completed**
A certificate from a suitably qualified landscape architect / architect /ecologist must be provided prior to issue of the occupation certificate for the first cabin of the development, certifying that the site has been landscaped in accordance with the approved landscape plan and conditions of consent.
- 52. Completion of primary vegetation management plan works**
Prior to the issue of an occupation certificate, a monitoring report from a qualified and experienced ecologist and/or bush regenerator must be submitted to and approved by Council demonstrating that the Year 1 ecological works as described in Table 9 of the approved Vegetation Management Plan (VMP) for the site have been completed.
- 53. Vegetated spray buffer must be established**
Prior to the issue of any occupation certificate, a certificate from a suitably qualified landscape architect / ecologist / bush regenerator must be provided to the Registered Certifier, confirming that the required vegetation buffer has been established in accordance with the approved plans/reports and conditions of consent.
- 54. Stormwater drainage work**
Stormwater drainage for the development must be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate.
- 55. Stormwater disposal**
Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
- a. Clear of buildings and infrastructure,
 - b. Clear of effluent disposal areas,
 - c. Not concentrated so as to cause soil erosion,
 - d. Not directly to a watercourse, and
 - e. Not onto adjoining land.
- 56. Works-As-Executed Plans**
Following completion of works and prior to issue of the occupation certificate, Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements are to be submitted to Council. Two categories of Work-as-Executed Drawings are to be submitted to Council, being:

Amended Design Work-as-Executed Drawings and Summary Work-as-Executed Drawings.

Amended Design Work-as-Executed Drawings, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:

- a) One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- b) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Summary Work-as-Executed Drawings are to be prepared on a background plan of road upgrading layout works. Such drawings are to be submitted to Council in the following formats:

- a) One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- b) Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c) Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the [Northern Rivers Local Government Development Design and Construction Manuals](#), and on Council's website.

57. Stormwater drainage work

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate.

58. Swimming pool fencing

Swimming pool fencing is to comply with the requirements of the Swimming Pools Act 1992 and Regulations.

59. Additional moveable dwellings/buildings to be removed

Any moveable dwellings/buildings not used as part of the approved development must be removed from the land prior to the issue of any occupation certificate.

Note. At least eight moveable dwelling/buildings were identified on the land during the site inspection and only six are approved to be used as cabins under this development consent.

60. Works to be completed prior to issue of an Occupation Certificate

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate. Any security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

The following conditions are to be complied with at all times

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- 61. Maximum number of guests and length of stay**
No more than a total of 2 adult guests/patrons in each cabin, equating to a total number of 12 guests / patrons at any time for the development. The maximum length of stay for guests must not exceed 3 months. Cabins are not to be used for permanent residential accommodation.
- 62. Manager of the tourist and visitor accommodation cabins**
The tourist and visitor accommodation cabins must be managed by the principal owner or a delegated representative living on the property at all times.
- 63. Night-time lighting**
External lighting arrangements should be in accordance with *AS4282-1997: Control of the obtrusive effects of outdoor lighting* and NSW Work Cover OH&S requirements. External lighting must be directed downwards and limited to ensure minimal dispersion of luminosity to the surrounding area and to protect neighbouring properties, the dark night sky and the rural atmosphere of the locality.
- 64. Landscaping**
The landscaping of the site must be maintained to ensure the establishment and successful growth of plants. This includes but is not limited to watering, weeding and the replacement of failed plant material. Landscaping of the carparking areas, earth batters, and areas of cut around the internal access roads must be maintained at all times.
- 65. Ecological restoration works**
Weeding, replanting and restoration works must be undertaken and continued until the implementation plans detailed in the approved Vegetation Management Plan have been completed, during which annual monitoring reports must be submitted to Council for approval.
- 66. Vegetated spray drift buffer to be maintained**
The vegetation buffer must be maintained at all times protect the rural tourist cabins from chemical spray drift from adjoining fruit orchards. This includes but is not limited to watering, weeding and the replacement of failed plant material.
- 67. First flush devices for rainwater tanks**
All rainwater supply tanks are required to divert water from the first rainfall using a first flush or bypass device.
- 68. Potable Water Supply Testing and Reporting**
The potable water supply must be maintained in accordance with the requirements of NSW Health's Private Water Supply Guidelines (2016) including annual water quality testing by a NATA accredited laboratory. Results must be kept on site and provided to Council on request.
- 69. Use for functions and events not approved**
Use of the site and/or buildings and/or erection of temporary structures for functions or events is not approved under this consent.
- 70. Potable Water Supply Testing and Reporting**
The potable water supply must be maintained in accordance with the requirements of NSW Health's Private Water Supply Guidelines (2016) including annual water quality testing by a NATA accredited laboratory. Results must be kept on site and provided to Council on request.

71. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

72. Waste Management

Waste management arrangement must include:

- a. Waste containers sufficient to accommodate the collection and storage of all waste generated must be provided and maintained in good order.
- b. All waste generated must be removed and disposed of in a sanitary manner.
- c. Waste containers must be:
 - provided with close-fitting lids.
 - regularly serviced, and maintained in a clean, tidy, sanitary and hygienic condition.
 - designed and constructed to prevent access to pests.
 - designed and constructed to be easily and effectively cleaned and disinfected; and
 - kept closed when not in use.
 - All waste generated must be kept so as not to attract pests; and
 - disposed of in a manner which maintains the area in a clean, tidy, sanitary and hygienic condition.

73. Must not interfere with the amenity of the neighbourhood

The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d) All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

Goods deliveries shall be restricted to daytime operating hours.

74. Pool safety sign

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation, or similar.

75. Pool backwash in rural areas

Pool water disposal and backwash is to be directed to a soakage trench located in such a location as to not cause any nuisance to adjoining properties or damage to any structures or impact on any land application areas for the on-site sewage management system.

76. Swimming pool pump location

The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.

77. Swimming pool health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Health. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Condition relating to maximum capacity signage

Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-35753) 10.2022.36.1
Our reference: DA20230406001466-Original-1

ATTENTION: Ben Grant

Date: Wednesday 3 May 2023

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Other Tourist Accommodation
72 LAWLERS LANE BANGALOW NSW 2479, 2//DP1007622

I refer to your correspondence dated 04/04/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity, the property around the building must be maintained as an inner protection area (IPA) to the following distances (or to the boundary, whichever is the lesser) and aspect in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*:

- north for a distance of 69 metres from cabin 1;
- east for a distance of 38 metres from cabin 1;
- south for a distance of 38 metres from cabin 6; and
- west for a distance of 45 metres from cabin 4.

Construction Standards

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:

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

2. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply the general requirements of Table 6.8b of '*Planning for Bush Fire Protection 2019*';

- a. SFPP access roads are two-wheel drive, all-weather roads;
- b. access is provided to all structures;
- c. unobstructed vehicular access must be provided to the rear of the cabins;
- d. traffic management devices are constructed to not prohibit access by emergency services vehicles;
- e. access roads must provide suitable turning areas in accordance with Appendix 3;
- f. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- g. bridges and causeways are to clearly indicate load rating;
- h. there is suitable access for a Category 1 fire appliance within 4 m of the static water supply;
- i. minimum 5.5 metre carriageway width kerb to kerb;
- j. parking is provided outside of the carriageway width;
- k. curves of roads have a minimum inner radius of 6 metres;
- l. the maximum grade for roads is 15 degrees and average grade of not more than 10 degrees;
- m. the road crossfall does not exceed 3 degrees; and
- n. a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.

Water and Utility Services

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:

4. The provision of water supply must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- a. a 10,000 litres minimum static water supply for firefighting purposes is provided for each occupied building;
- b. an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (5-20 metres),
- c. 65 mm Storz connection with a ball valve is fitted to the outlet,
- d. the ball valve, pipes and tank penetration are adequate for the full 50 mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- e. underground tanks have an access hole of 200 mm to allow tankers to refill, direct from the tank,
- f. a hardened ground surface for truck access is supplied within 4 m of the water outlet or access hole,
- g. above-ground tanks are manufactured from concrete or metal,
- h. raised tanks have their stands constructed from non combustible material or bush fire resisting timber. - - The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- i. unobstructed access can be provided at all times,
- j. underground tanks are clearly marked,
- k. tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- l. all exposed water pipes external to the building are metal, including any fittings,

- m. where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- n. any hose and reel for firefighting connected to the pump shall be 19 mm internal diameter,
- o. fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- p. A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply

5. Any alteration to the electricity supply network must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- a. where practicable, electrical transmission lines are underground;
- b. where overhead, electrical transmission lines are proposed as follow:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines

6. The provision of gas services must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- a. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 m and shielded on the hazard side;
- c. connections to and from gas cylinders are metal;
- d. if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2 m away from any combustible material, so they do not act as a catalyst to combustion;
- e. polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
- f. above-ground gas service pipes external to the building are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

7. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Other Tourist Accommodation
72 LAWLERS LANE BANGALOW NSW 2479, 2//DP1007622
RFS Reference: DA20230406001466-Original-1
Your Reference: (CNR-35753) 10.2022.36.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Allyn Purkiss

Manager Planning & Environment Services
Built & Natural Environment

Wednesday 3 May 2023

SCHEDULE 4. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note. From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.
The proposed development is unlikely to prejudice or compromise the public interest.

SCHEDULE 5. NOTES

Construction certificate required

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing.

Application for a Construction Certificate must be made online using the [NSW Planning Portal](#).

Principal Certifying Authority

Work must not commence until the applicant has:

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two-day's notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

Protection of the Environment Operations Act 1997

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (“on-the-spot fine”) or prosecution.

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

Relics Provisions- Advice

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).