

CONDITIONS OF CONSENT:

Parameters of the consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
162_11_NCD Sheet 1 of 8	Site Layout	Nerang Creative Design	27.03.2012
162_11_NCD Sheet 3 of 8	Floor Layout	Nerang Creative Design	27.03.2012

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Bushfire Safety Authority

The development proposal (use of an existing dwelling for farm stay accommodation) is to occur within the existing dwelling that is described in the following referenced plans as a proposed dwelling.

- The drawing prepared by NCD titled 'Proposed Residence for G.G. & C.V. Patterson at Lot 102 No. 252 Middle Pocket Road, Middle Pocket and dated 27 March 2012.

3. Use of principal dwelling only for temporary farm stay accommodation

The approval for farm stay accommodation strictly applies to the principal dwelling house within the area outlined in the approved site plan. At no time must any other structure be used for the purposes of farm stay accommodation or as tourist and visitor accommodation. .

The use of unauthorised dams on the property for swimming and other recreational purposes is strictly prohibited and is not approved for the use of guests for any purpose.

4. Dams

Certification to be provided to Council from a suitably qualified engineer that the two dams on the property are structurally sound or alternatively to be demolished and the water course to be returned to its original state within six months of the date of this consent.

The following conditions are to be complied with prior to issue of an occupation certificate and operation of the farm stay accommodation

5. Works to be completed prior to issue of a Final 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 a Final Occupation Certificate.

6. Final fire safety certificate

A final fire safety certificate must be issued to the Certifying Authority prior to issue of any Occupation Certificate

**7. On-site sewage management facility upgrade for existing dwelling-
Section 68 approval required**

An **Approval** under Section 68 of the Local Government Act 1993 to upgrade on-site effluent disposal must be obtained from Council prior occupation of the dwelling house for farm stay accommodation. 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. On-site sewage management system must be completed

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

9. Approval to Operate required

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

**10. Management Plan Complaints, house rules, contact details, and
Management of Pets**

A Management Plan for the Farm Stay Accommodation to prepared including details on the following

- (a) Complaints Handling Policy;
- (b) Updated House Rules deleting all reference to dams for the purposes of swimming;
- (c) Contact details of the land owner and/or appointed property manager; and
- (d) Management measures for guest pets or a prohibition on guests bring pets to the property. Guest pets must not be left unattended as part of any management measures and to be controlled at all times.

Note. The contact person(s) must be contactable 24 hours 7 days a week and to be able to respond within 30 minutes to complaints regarding the action of tenants and in particular issues pertaining to noise and amenity.

A copy of the following documentation must be provided to Council prior to the issue of the Occupation Certificate:

11. Signage

A sign with an area of 0.5 m² to be located at the front gate of the subject property and clearly displayed and contain the following information:

- (a) the name and telephone number (including an after hours telephone number) of the owner or property manager using a minimum 40mm high font,
- (b) wording to the effect that the dwelling house is as farm stay accommodation.

12. Bushfire evacuation plan

A bush fire evacuation plan must be prepared and a copy provided to Council.

13. Flood evacuation plan

A flood evacuation plan must be prepared and a copy provided to Council.

14. Dwelling in Shed

The dwelling in the shed to be rendered non habitable with the kitchen, bathroom and other amenities to be removed unless a separate approval is obtained from Council for its use as a form of residential accommodation (eg dual occupancy).

15. Cabin near the Dam

The cabin near the dam not to be used for any form of residential or tourist and visitor accommodation purposes. Any kitchen or bathroom amenities to be removed. Structural Certification to be provided to Council prior to the issue of the Occupation Certification demonstrating compliance with the BCA.

The following conditions are to be complied with at all times

16. Compliance with Holiday and Short-term Rental Code of Conduct

The use of the dwelling for short term farm stay accommodation must comply with the national Holiday and Short-term Rental Code of Conduct endorsed by NSW Legislative Assembly Committee on Environment and Planning.

17. Farm stay accommodation secondary to farming

Farm stay accommodation is secondary to the primary purpose of farming the subject land and both must operate concurrently. Should farming activities cease to operate on the land; the lawful use of the dwelling house for the purposes of farm stay accommodation will cease to operate.

18. Temporary use – maximum number of days

The dwelling house may be used as farm stay accommodation for a maximum period of 90 days (whether or not consecutive) in any calendar year.

19. Maximum number of occupants

The maximum number of occupants is two (2) persons per bedroom and eight (8) in total excluding children under 5 years of age.

20. Maintain registration for ongoing operation of the farm stay accommodation

A register of the farm stay accommodation including duration of all bookings, number of guests aged 5 years and over, pets and any incidents must be maintained and made available to view by Council upon request.

21. Display of bushfire evacuation plan and flood evacuation plan

The bushfire evacuation plan and flood evacuation plan must be attached to the dwelling in a prominent location and referred to in the house rules.

22. Vehicle Parking and Access

Car parking must be provided on site in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.

23. Garbage and recycling

Garbage and recycling bins must be provided that are serviced and managed on a regular basis.

24. Management of domestic pets

Any domestic pets brought by guests to the farm to be managed at all times in accordance with the Management measures must be in place for dogs and other pets if guest pets are permitted.

25. No additional accommodation or structures

Additional accommodation is not to be provided on site by way of tents, (including teepees) caravans, campervans or the like, or in sheds or other structures erected on the property.

26. Use of outdoor areas and external lighting

Outdoor areas including outdoor decking and balconies are not to be used between 10pm and 8am. All external lighting must be switched off during these hours with the exception of security lighting fitted with automatic sensors and positioned to minimize light spill.

27. Visitors other than permitted number of occupants

Visitors other than those overnight occupants permitted at the farm stay accommodation must not exceed 6 persons between 8am and 10pm and no visitors are permitted after 10pm.