

## MODIFIED CONDITIONS OF CONSENT:

### Amend Condition 19b to read:

#### **19 b) Battle-axe handle width/frontage of Lot 238**

A minimum 6.0m wide frontage width to extend for the full length of the battle-axe handle shall be provided in accordance with prescriptive measures 4 and 6 of section D6.4.1 of Council's DCP.

Provision must be made to provide for services and landscaping in accordance with prescriptive measures 4 and 5 of section D6.4.1 of Council's DCP.

### Amend Condition 65 to read:

#### **65. Developer Contributions to be paid**

Contributions set out in the schedule below are to be paid to Council prior to the release of a subdivision certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions as set out in the schedule may either be paid in full or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate. The first credit for a site will be retained on the residual lot. Any additional credits over one (1) will be allocated at the first stage(s).

The bikeways, local open space and shire wide open have been reduced to zero to take in to account the by the value land dedications and works in kind from the following development applications:

- 10.2009.314.4;
- 10.2013.549.1;
- 10.2015.686.1;
- 10.2016.161.1;
- 10.2017.402.3.

The local roads contributions reduced by the value of the roadworks required by condition 19 a). Council will offset up to the full value of these contributions based on the contract price for the works or a statement from a quantity surveyor. Should the value of these works be greater than the roadworks contributions then any residual value will be held in credit against future stages as required by section 7.11 (6) of the Environmental Planning and Assessment Act.

Council will offset up to the full value of the local roads contributions based on the contract price for the works or a statement from a quantity surveyor.

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

**Amend the table of Contributions in Schedule 5 to read:**

**S7.11 Schedule of Development Contributions**

The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The current contribution rates are available from Council offices during office hours. **Payments will only be accepted by cash or bank cheque.**

Section 7.11 contributions Schedule for Mullumbimby Catchment						
This schedule was calculated in spreadsheet #E2018/73086						
1 bedroom units =	0	@	0.55 SDU	=		0
2 bedroom units =	0	@	0.75 SDU	=		0
3 bedroom units/dwellings =	0	@	1 SDU	=		0
Allotments =	46	@	1	=		46
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		45
Schedule valid until			7/28/2021	After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-ML)	45.00	SDU @ \$ -	=		\$ -
LGA Wide Open Space & Recreation	(OS-SW)	45.00	SDU @ \$ -	=		\$ -
LGA wide Community Facilities	(CF-SW)	45.00	SDU @ \$ 1,132.22	=		\$ 50,949.90
Local Community Facilities	(CF-ML)	45.00	SDU @ \$ 222.63	=		\$ 10,018.35
Bikeways & Footpaths	(CW-ML)	45.00	SDU @ \$ 2,137.98	=		\$ 96,209.10
Shire Wide Bikeways & Footpaths	(CW-SW)	45.00	SDU @ \$ 83.05	=		\$ 3,737.25
Urban Roads	(R-ML)	45.00	SDU @ \$ 1,109.71	=		\$ 49,936.95
LGA Wide Roads	(R-SW)	45.00	SDU @ \$ 233.93	=		\$ 10,526.85
Rural Roads	#N/A	45.00	SDU @ \$ -	=		\$ -
Administration Levy	(OF-SW)	45.00	SDU @ \$ 1,169.31	=		\$ 52,618.95
<b>Total</b>				=		<b>\$ 273,997.35</b>

## Amend Schedule 3 to read:

### SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Your reference: (CNR-19863) 10.2020.97.2  
Our reference: DA20200311000916-S4.55-1

**ATTENTION:** Ivan Holland

Date: Monday 3 May 2021

Dear Sir/Madam,

**Integrated Development Application**  
**s100B - Subdivision - Torrens Title Subdivision**  
**77 Tuckerroo Avenue MULLUMBIMBY NSW 2482, 147//DP1265934**

I refer to your correspondence dated 24/03/2021 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, 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.

#### **General Conditions**

1. The development proposal is to comply with the subdivision layout identified on the drawing titled 'Plan 3.1 - Stage 8 Subdivision Proposal' dated February 2020, except as modified by the following conditions.

#### **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 a subdivision certificate and in perpetuity, the entire area of Lot 848 and the residential lots in Stage 8 and proposed Stage 9 shall be managed 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'.

3. A restriction to land use pursuant to section 88B of the Conveyancing Act 1919 shall be included over the following lots to prohibit the construction of a dwelling or Class 10 building within 6 metres of a dwelling, in the identified areas:

- Lot 801 - 20 metres wide along the southern boundary;
- Lots 802 to 810 - 9 metres wide along the southern boundary;

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](http://www.rfs.nsw.gov.au)

- Lots 813 and 814 - 12 metres wide from the western edge of the unmanaged vegetation on Lot 813;
- Lot 842 - 12 metres wide along the eastern boundary; and
- Lot 843 - 10 metres wide along the eastern boundary.

#### **Access – Public Roads**

***The intent of measures 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. Public road access must comply with the requirements of section 4.1.3(1) of Planning for Bush Fire Protection 2006, except that:

- a perimeter road is not required along the southern boundary of Lot 801;
- a perimeter road is not required along the southern boundary of Lots 802 - 809;
- a perimeter road is not required along the eastern boundary of Lot 842; and
- a temporary 12 metre outer radius turning circle is to be provided at the termination of Road 4;

5. A minimum 4 metre wide trafficable path is to be provided through Lot 848 to provide emergency access from Road 2 to Road 7. The path is to provide a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, and any traffic management devices are not to prohibit access by emergency services vehicles.

6. A temporary alternative / emergency access is to be provided from the termination on Road 5 to Clays Road. The temporary access road shall comply with the requirements of section 4.1.3(3) of Planning for Bush Fire Protection 2006.

#### **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:***

7. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **Landscaping Assessment**

***The intent of measures is for landscaping to minimise the risk of bush fire attack. To achieve this, the following conditions shall apply:***

8. 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**

- As the development application was submitted prior to 1 March 2020 it has been assessed in accordance with the requirements of Planning for Bush Fire Protection 2006. However, in recognition that any future development on the proposed lots will be subject to the requirements of Planning for Bush Fire Protection 2019, asset protection zones (APZs) have been determined in accordance with Table A1.12.3 of Planning for Bush Fire Protection 2019.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 04/11/2020.

For any queries regarding this correspondence, please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely,

Alan Bawden  
**Team Leader, Dev. Assessment & Planning**  
**Planning and Environment Services**



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NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision  
77 Tuckeroo Avenue MULLUMBIMBY NSW 2482, 147//DP1265934  
RFS Reference: DA20200311000916-S4.55-1  
Your Reference: (CNR-19863) 10.2020.97.2

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 supersedes the previous Bush Fire Safety Authority DA20200311000916-Original-1 issued on 04/11/2020 and confirms that, subject to the attached reissued 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*.

**Alan Bawden**

**Team Leader, Dev. Assessment & Planning  
Planning and Environment Services**

Monday 3 May 2021