

**DA 10.2019.466.1 – 41 Bottlebrush Crescent, SUFFOLK PARK -  
Recommended conditions of consent:**

**CONDITIONS OF CONSENT:**

**SCHEDULE 1. CONDITIONS OF CONSENT**

**Parameters of 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:
0720-T02 Revision C	Proposed Subdivision Layout	TRICEND	20.11.2020
1384-02-C3	Stormwater Management Plan	WRM	12 November 2020

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. Controlled Activity Approval – Stormwater Works adjacent to the waterway area**

An application for a Controlled Activity Approval under section 92 of the *Water Management Act 2000* must be lodged with the Natural Resources Access Regulator (NRAR) for works within the waterway area.

A copy of the Controlled Activity Approval application and any and all supporting information must be submitted to the Principal Certifying Authority and shall form part of the Construction Certificate.

**3. 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 a schedule of this consent.

**4. 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 an authorisation under section 100B of the *Rural Fires Act 1997* in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes, and is subject to the General Terms of Approval from the NSW Rural Fire Service dated 5 May 2021 contained in a schedule of this Notice of Determination.

**5. Previous development consents to be surrendered**

Development consent no. 10.2005.730.1 granted on 7 May 2010 and development consent no. 10.2011.193.1 granted on 27 May 2013 are to be surrendered within 6 months of the commencement of this consent. This must be in the form of a written memorandum to Council from the owner of the subject property, in accordance with Clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

## The following conditions are to be complied with prior to issue of a subdivision works certificate

### 6. Engineering Construction Plans

Engineering construction plans and specifications must accompany the Subdivision Works Certificate application demonstrating compliance with Council's standards for the required engineering works.

Each set of drawings must be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will comprise the certificate and check lists set out in Annexure DQS-A of the [Northern Rivers Local Government Development & Design Manuals](#).

The information shown on the drawings must be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Local Government Development & Designs. The drawings are to provide for the following works :

#### a) Private accessway

Sealed accessway, generally in accordance with Section B6.3 of Chapter 1 Part B of DCP2010, from the edge of the internal access road to at least 3 metres within the property boundary to each of the vacant allotments.

#### b) All-weather Driveways

All-weather driveways from the abovementioned sealed driveways to the new dwelling sites, where driveways can not be constructed wholly within the allotment. The engineering construction plans must include a long section and cross sections (at 10m intervals) for the driveways and clearly showing the extent of works in relation to proposed lot boundaries, together with a notation to indicate whether the driveway is to be constructed during subdivision works or future building works. The plans must also show rights of carriageway to be created if necessary.

#### c) Stormwater Drainage

Stormwater is to be collected and discharged in accordance with Council's standards, currently [Northern Rivers Local Government Development Design & Construction Manuals](#). A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for Subdivision Works Certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The drawings and management plan are to include, but not be limited to, the following items:

- i) Surface drains, gutters or formed flow paths shall be designed to contain minor storm events;
- ii) Surface drainage systems shall be designed to ensure overflows, in storm events with an ARI of 100 years, do not present a hazard to people or cause significant damage to property;
- iii) Detailed design of the internal drainage in accordance with Chapter 3.2 of the Stormwater Management Plan and Section N5.4 of Chapter 1 Part N of BDCP2010.
- iv) Coogera Circuit Detention Basin must be re-constructed and designed according to the following:-
  - Minimum OSD volume of 6,032m<sup>3</sup>;
  - Low flow outlet pipe of 0.75m diameter with an IL of 9.47m AHD; and
  - Provision of maintenance access.
- v) Stormwater management structures (Coogera Circuit Detention Basin) that have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.

---

**d) Stormwater Quality**

Stormwater quality must be suitable for discharge in accordance with Council's standards, currently Chapter 1 Part N of BDCP2010 and Northern Rivers Local Government Development Design & Construction Manuals. The proposed water quality management devices and treatment train must have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and submitted with the Subdivision Works Certificate documentation.

The detailed drawings and management plan are to include, but not be limited to, the following items:

- a) Table 8.6 of the Stormwater Management Plan for Bio-Retention Basin;
- b) Table 8.7 of the Stormwater Management Plan for the Infiltration Swale;
- c) Bioretention and Infiltration specifications and testing in accordance with Notes 1 to 8 of IPWEA-WSUD-001 dated 13/01/10; and
- d) Maintenance Plan.

**e) Access to Stormwater Structures**

Satisfactory access to all drainage discharge points and filter controls for maintenance purposes

**7. Amended subdivision plan required**

An updated subdivision plan is to be provided that demonstrates that each proposed development lot is capable of containing a building envelope of at least 12m x 15m whilst complying with relevant setbacks, asset protection zones and easements. The updated subdivision plan shall be provided to Council's Director of Planning for his/her approval prior to the issue of a subdivision works certificate.

**8. Erosion and Sediment Control Plan**

Prior to the issue of a subdivision works certificate, an erosion and sediment control plan must be prepared and submitted to Council for approval.

The erosion and sediment control plan must:

- a) Include a cut and fill plan that shows all areas of the site that will be subject to earthworks and the depths of cut and fill.
- b) Incorporate (without being limited to) details of general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.
- c) Detail the location and specification of measures to be employed to avoid, minimise and manage erosion and loss of sediment from the site.
- d) Detail the location and specification of measures to treat and manage the quality of stormwater discharged from the site during subdivision works. The size of any pipes, retardation basins and the like should be clearly stated.
- e) Be designed in accordance with the requirements of the *NSW Department of Housing Manual (1989), Managing Urban Stormwater, Soils and Construction*.
- f) Be prepared by a suitably qualified and experienced person.

Note: For the purposes of this condition, a suitably qualified person includes those certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.
- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

**9. Street Name Application to be lodged**

Street / road names for the subdivision must be submitted for Council approval prior to issue of the Construction Certificate.

An application for approval of a street name must be in writing (letter or email) and is to include:

- at least two (2) names for each proposed road in preferential order;
- the location and extent of the road;
- background/history of the selected name/s;
- details on why the selected name is considered to be appropriate;
- details on how the selected name conforms with Council's Street Name Policy and the NSW Address Policy;
- a locality plan;
- a layout plan showing proposed road/s and selected name/s suitable for publishing in the local newspaper; and
- payment of fees in accordance with Council's adopted schedule of fees and charges.

10. **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:

- a. 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
- b. 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.

11. **Tree removal and retention plan**

Prior to the issue of a subdivision works certificate, a tree removal and retention plan must be submitted to, and approved by, Council. The plan must include, but not be limited to:

- a) A description of all existing vegetation within the subdivision development footprint (inclusive of the Asset Protection Zones), including species, height, diameter at breast height and Tree Protection Zones.
- b) A plan and/or map that clearly identifies all vegetation to be removed and retained.
- c) Initial vegetation removal required to establish Asset Protection Zones in accordance with the General Terms of Approval provided by the Rural Fire Service. Vegetation removal for this purpose is to be as minimal as possible and must be strategically designed to retain vegetation with relatively higher conservation value.
- d) Retention of all *Rhodamnia rubescens* individuals within the site.
- e) Where possible, retention of native vegetation within development lots.

12. **Biodiversity Conservation Management Plan**

Prior to the issue of a subdivision works certificate, a Biodiversity Conservation Management Plan (BCMP) must be prepared in accordance with the Byron Shire Council *Guidelines for preparing a Vegetation Management Plan (VMP) or Biodiversity Conservation Management Plan (BCMP)* and the plan submitted to, and approved by, Council. The BCMP must detail ecological restoration and management actions over a minimum period of 10 years applying to the land outside of the approved subdivision development footprint.

The BCMP must include, but not be limited to:

- a) A review of the landscape context of the site to inform the proposed ecological restoration methodology. This should include an assessment of the distribution of native vegetation communities, habitat connectivity, and threatened species and ecological communities known or likely to occur across the broader landscape.
- b) An assessment of the existing ecological condition and values of the site (including potential threatened species and ecological communities) to inform the proposed ecological restoration methodology.

- c) A calculation of the number of compensatory plantings or equivalent ecological restoration area (as per Table D2.1 in the Byron Shire Development Control Plan 2014) that must be undertaken as compensation for tree loss. The calculation must meet the following ratios at a minimum:
  - i. 1:1 for native trees of low ecological value;
  - ii. 1:5 for native trees of medium ecological value
  - iii. 1:10 for native trees of high ecological value. It is expected that most trees proposed for removal will require replacement at this ratio.
- d) A detailed ecological restoration methodology that aims to enhance and supplement the existing biodiversity values of the broader landscape, including by increasing habitat value and connectivity for threatened species and ecological communities known or likely to occur in the locality.
- e) Identification of Environmental Management Zones (EMZs) on the site to facilitate planning and implementation of works.
- f) A detailed, accurate and consistent 1:200 scale map of EMZs, Asset Protection Zones (APZs) and individual threatened plants on the site.
- g) Detailed actions within EMZs, including representative Plant Community Types (PCTs) to be restored, specific restoration methodologies, and implementation schedules.
- h) A list of performance indicators for each year of the program to provide a means of measuring the progress of restoration works.
- i) Details of reporting and monitoring to be carried out, including the frequency of monitoring reports and the location of photo points.
- j) A protocol for the ongoing assessment of myrtle rust incidence and severity on *Rhodamnia rubescens* individuals within the site as well as any other affected Myrtaceae species. This section must specify that if any *R. rubescens* individuals are found to be producing fruit and seed, the NSW Saving our Species program must be immediately notified.
- k) A long-term fuel management methodology to strategically address bushfire protection requirements within approved APZs such that biodiversity impacts are minimized.
- l) A list of environmental weed species presently occurring on the site as well as those that may have the capacity to invade the site and specific control strategies proposed for each weed species.
- m) If any hollow-bearing trees are required to be removed to carry out the development, a nest box implementation plan to replace the loss of natural hollows on the site. This must include details of the designs and locations of the nest boxes proposed to be provided for hollow-dependent birds, small scansorial and arboreal mammals and micro-chiropteran bats in the restoration areas, together with details of the ongoing monitoring and reporting of their use.
- n) A strategy to be used to restrict breeding opportunities for the introduced cane toad (*Bufo marinus*), such as the planting of dense sedges to widths of up to 5 m along watercourses.
- o) The approved tree removal and retention plan described in Condition 1 incorporated into the BCMP.

### 13. **Biodiversity credit retirement**

Prior to the issue of a subdivision works certificate, the class and number of biodiversity credits in Tables 1 and 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire such biodiversity credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the BAM Credit Calculator (BAM-C)<sup>1</sup>.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to Council prior to issue of a subdivision works certificate.

**Table 1 Ecosystem credits required to be retired – like for like**

Impacted plant community type	Number of ecosystem credits	IBRA subregion	Plant community types that can be used to offset the impacts from development

751 – Brush box-tuckeroo littoral rainforest on coastal headlands of the NSW North Coast Bioregion	16	Scenic Rim, Burringbar-Conondale Ranges, Clarence Lowlands and Woodenbong  or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site	670, 751, 773, 824, 910, 1275, 1276, 1534, 1536, 1537, 1832, 1833
1064 – Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion	1	Scenic Rim, Burringbar-Conondale Ranges, Clarence Lowlands and Woodenbong  or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site	726, 836, 837, 839, 925, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1325, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798

**Table 2 Species credits required to be retired – like for like**

Impacted species credit species	Number of species credits	IBRA subregion
White-bellied sea eagle ( <i>Haliaeetus leucogaster</i> )	18	Anywhere in NSW
Southern myotis ( <i>Myotis macropus</i> )	1	Anywhere in NSW
Brown fairy-chain orchid ( <i>Peristeranthus hillii</i> )	24	Anywhere in NSW
Southern swamp orchid ( <i>Phaius australis</i> )	1	Anywhere in NSW
Grey-headed flying fox ( <i>Pteropus poliocephalus</i> )	17	Anywhere in NSW

<sup>1</sup> Note that prices of credits in the BAM-C are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

**14. Native tree removal**

No native trees or vegetation to be cleared or removed until a subdivision works certificate has been issued.

**15. Trees to be retained and protected**

Trees identified to be retained in the approved tree removal and retention plan are to be protected by a Tree Protection Zone (TPZ) exclusion fence. The fence is to be constructed in accordance with Sections 3.2 and 4.3 of Australia Standard 4970-2009 Protection of trees on development sites. The fence must:

- Be located outside the dripline of the tree so as to minimise disturbance to tree roots;
- Have a minimum height of 1.8 metres;
- Be constructed of wire mesh panels, plywood, steel star pickets or similar, with a maximum distance of 2 metres between star pickets;

- d) Have a minimum of 3 strands of steel wire or similar;
- e) Have high visibility barrier mesh (e.g., orange), shade cloth or similar, attached to the outside of the fence and continuing around its perimeter;
- f) Include at least one TPZ sign in accordance with Section 4.4 of AS4970-2009.

**16. Retained trees to be identified on plans**

All trees to be retained in accordance with the approved tree removal and retention plan must be illustrated on any and all relevant Construction Plans, along with their Tree Protection Zones formulated in accordance with *AS 4970-2009 – Protection of Trees on Development Sites*.

**17. Restrictions on work in and near tree protection zones**

Activities that are excluded within TPZs (as per section 4.2 of AS4970-2009) include:

- Excavation;
- Construction activity;
- Grade changes;
- Surface treatment; and
- Storage of material.

If these activities are required within the TPZ they may only occur in accordance with Section 4.5.5 of AS4970-2009 and under the supervision of the project arborist (minimum AQF level 5 qualified arborist).

**18. Detailed landscaping plan required**

Prior to the issue of a Construction Certificate, a detailed landscaping plan must be submitted to, and approved by, Council. The landscaping plan must detail all landscaping of the site. The plan must incorporate details of proposed landscaping for:

- pedestrian routes;
- drainage and watercourses;
- street trees; and
- of the access handle of hatchet-shaped lots (Lot 12).

The plan must not include species that represent translocation of native plants outside their geographic range, potential or known environmental weeds or species with potential for genetic pollution. The landscaping 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 grassed and paved areas, and
- e) location of trees identified for retention in the approved tree retention and removal plan and any required Tree Protection Zones measured in accordance with *AS 4970-2009 – Protection of Trees on Development Sites*; and
- f) timing for planting of landscape vegetation; and
- g) maintenance of landscaped areas.

The landscaping plan must demonstrate consistency with the General Terms of Approval from the NSW Rural Fire Service dated 5 May 2021 and must comply with Council's Building in the Vicinity of Underground Infrastructure Policy.

The plan is to be prepared by a suitably qualified landscape architect / ecologist who has appropriate experience and competence in landscaping.

**19. Fire and Rescue NSW**

The development has been identified as being greater than 90 metres away from the Council roadway which contains street hydrants. Prior to issue of any Subdivision works certificate, plans and specifications must be submitted to the Principal Certifying Authority demonstrating compliance with Fire hydrants for minor residential development – current version of Guideline as published by Fire and Rescue NSW. Where works to Council water mains are proposed, a separate approval under Section 68 of the *Local Government Act* may be required.

20. **Sewerage and Water Mains**

An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works.

Sewerage and water mains are to be extended to service all residential allotments in the subdivision. All Council gravity sewerage mains are to be a minimum 150 mm diameter and water mains are a minimum 100mm diameter.

Water supply and sewerage works are to comply with Council's latest Standards and Policies including but not limited to:

- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

21. **Unexpected Findings Protocol**

An Unexpected Findings Protocol (UFP) must be prepared and submitted to Council for approval prior to the issue of Construction Certificate. The UFP must be prepared by a suitable qualified person experienced in matters relating to Contamination of Land and Remediation.

22. **Car Body Removal and Disposal Plan**

A car body removal and disposal plan must be prepared and submitted to Council for approval prior to the issue of Construction Certificate. The plan must be prepared in accordance with the NSW EPA Waste Classification Guidelines (2014) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines> by a suitably qualified person experienced in environmental waste management.

23. **Water and Sewerage - Section 68 approval required**

An Approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

24. **Site Waste Minimisation and Management Plan**

Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information  
[www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-doc](http://www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-doc)

25. **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).

These payments can be made online at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au). 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.

### **The following conditions are to be complied with prior to commencement of subdivision works**

**26. Subdivision Work**

Subdivision work in accordance with the development consent must not be commenced until a Subdivision Works Certificate has been issued, a principal certifying authority has been appointed and at least 2 days' written notice for the intention to commence works has been made, in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations. The written notice for the intention to commence works must also include names and contact details of the certifying engineer and principal contractor.

Note: Subdivision work means any physical activity authorised to be carried out under the conditions of this development consent for the subdivision of land, including earthwork, road work, stormwater drainage work, landscaping work, tree/vegetation removal, erosion and sediment control, traffic control, etc.

**27. Contractors to be advised of Aboriginal item discovery protocols**

All contractor engaged in earthworks for the development must be advised of their legal requirements with regards to the discovery of Aboriginal cultural materials. A record of all contractors and confirmation they have been advised as per this conditions must be maintained until a subdivision certificate has been issued for the development.

**28. Erosion and sediment measures**

Erosion and sediment control measures are to be in place in accordance with the approved Erosion and Sediment Control Plan.

**29. Metered Stand Pipe required**

Prior to the commencement of any civil works requiring water from Council water main, a metered Stand Pipe for temporary water supply must be supplied and installed by Council. Contact Council's Depot to arrange for this requirement on 02 66859300.

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

### **The following conditions are to be complied with during any subdivision works**

**30. Construction times**

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Sundays or public holidays.

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

31. **Construction Noise**

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

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

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. **Maintenance of tree protection zone fencing**

The Tree Protection Zone (TPZ) exclusion fences are to be maintained for the duration of the site clearing, preparation, construction and landscaping works.

34. **Protection of native fauna from disturbance**

- a) Removal of native trees must not commence until the tree has been inspected for the presence of native fauna by a suitably qualified ecologist or fauna spotter.
- b) In the case of any native fauna being found, tree removal works must be temporarily suspended until the animal moves from the tree of its own volition.
- c) Approval to proceed with the removal of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.
- d) The individual referred to in (a) above, or a nominated representative, must remain on site and monitor the tree removal.

35. **Unexpected Findings Protocol**

All works must be carried out in accordance with the approved Unexpected Findings Protocol (UFP).

36. **Car Body must be removed**

The car body on the property must be removed and disposed of in accordance with the approved Car Body Removal and Disposal Plan. The car body and any associated waste must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW EPA Waste Classification Guidelines (2014)

<https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

37. **Builders rubbish to be contained on site**

All builders 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.

38. **Fill to be retained on the subject land**

Fill material must not encroach onto any adjoining land.

39. **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*.
40. **Public safety requirements**  
All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.
41. **Council Specification**  
All works to be constructed to at least the minimum requirements of the "Northern Rivers Local Government Design and Construction Manual"
42. **Approved Plans to remain on site**  
A copy of the approved Construction Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.
43. **Maintenance of erosion and sediment control measures**  
Erosion and sediment control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
44. **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.
45. **Removal of demolition and other wastes**  
All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW EPA Waste Classification Guidelines (2014) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>
46. **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. Template s143 Notices are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>
47. **Aboriginal Relics**  
If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:  
a. immediately cease works;  
b. notify the NSW National Parks and Wildlife Service (NPWS);  
c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

**The following conditions are to be complied with prior to issue of Subdivision Certificate**

48. **Subdivision Certificate application required**

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

49. **Plan of Subdivision**

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads, and where relevant effluent disposal areas and the 1 in 100 year flood and flood planning level extents on land within or adjacent to a flood planning area. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

50. **Section 88B Instrument**

A Section 88B Instrument and one (1) copy are to be submitted with the application for a subdivision certificate where easements are required. The final plan of subdivision and accompanying Section 88B Instrument are to provide for:

a) **Drainage Easements**

The creation of any necessary easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.

b) **Drainage Reserve**

The dedication of a drainage reserve over the drainage treatment devices (Coogera Circuit Detention Basin) and constructed access.

c) **Rights of Carriageway**

The creation of any necessary rights of carriageway.

d) **Easement for Electricity**

The creation of any necessary easements for electricity purposes as required by the electricity supply authority.

e) **Restricting Development – On-site Stormwater Detention**

Restricting residential development of each vacant allotment until the proprietor has constructed or made provision for the construction of an on-site stormwater detention system to the requirements of Byron Shire Council.

f) **Positive Covenant – On-site Stormwater Detention**

Creation of a positive covenant over the title of the property to ensure the maintenance of the future on-site stormwater detention system for each vacant allotment.

g) **Sewer Easements**

The creation of easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with the Policy: Building in the Vicinity of Underground Infrastructure 2020.

h) **Easement for Services**

The creation of suitable easements for services for proposed Lots.

**i) Easement for conservation**

A restriction applying to the entirety of Lot 1 as shown on the subdivision layout plan Rev C dated 20/11/2020. The restriction on user must prohibit, except as otherwise permissible by law, all of the following within the area covered by the restriction on user:

- i) the destruction or removal of any local native trees, shrubs, grasses or other vegetation, or the planting of any flora other than local native flora;
- ii) any act or omission which may adversely affect any local native flora or any native fauna or their related habitats;
- iii) any act or omission which may result in the deterioration in the natural state or in the flow, supply, quantity or quantity of any body of water or in the natural moisture regime of the area;
- iv) the creation or maintenance of any tracks through the area;
- v) the removal, introduction or disturbance of any soil, rock or other minerals;
- vi) any structures or dwellings;
- vii) No deposition or accumulation of rubbish or refuse, including garden refuse and weed propagules, nor the use of any of the area for storage of any substance or material.

The S88B Instrument must contain a provision identifying Byron Shire Council as the only person or authority having the power to revoke, vary or modify the restriction on user.

**51. Works-As-Executed Plans**

Following completion of works and prior to issue of the subdivision 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 lot layout and kerb lines with a set of separate plans for stormwater drainage, sewerage, water supply and site works. The site works drawing/s shall include the 1 in 100 year flood and flood planning level extents and levels, where relevant. 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.

**52. CCTV Inspection and Report**

A Closed Circuit T.V. ('CCTV') Inspection and Report, certified by a qualified engineer, is to be submitted with the application for a Subdivision Certificate for the following works:

- a) Sewerage Reticulation.

**53. Certificate for services within easements**

The submission of a certificate from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

54. **Water service and meter to be connected to each lot**

An approval under Section 68 of the local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

Water metering to be in accordance with Byron Shire Council's water metering requirements  
See: <https://www.byron.nsw.gov.au/Services/Building-development/Other-approvals-and-permits/Plumbing-and-Drainage-Applications>

Any new water service and meter will be at applicants cost.

55. **Certificate of Compliance – s307 Water Management Act 2000**

A copy of the Certificate of Compliance under Section 307 of the *Water Management Act 2000* is to be obtained from Byron Shire Council prior to the issue of a Subdivision Certificate. Where staging of the Subdivision occurs, a separate s307 Compliance Certificate must be obtained for each stage.

Note: For issue of the Certificate of Compliance, an application form and associated fee must be lodged via Council's website. Copies of Byron Shire Council's Development Servicing Plans are available via Council's website.

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Utilities on 02 6626 7000. Applicable charges can also be found on Council's website: <https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>

**The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.**

**Payment by Personal or Company Cheque will not be Accepted**

56. **Management Statements**

The management statement and development contract and a copy are to be submitted with the application for a subdivision certificate, together with a letter from a Solicitor, experienced in Community Title legislation, certifying that the management statement and development contract have been prepared in accordance with Community Title legislation and acceptable for registration with NSW Land and Property Information.

57. **Erection of Street Signs**

The subdivider is to supply and erect street signs for the approved street names.

58. **Works-As-Executed Plans**

Following completion of works and prior to issue of the subdivision 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.

59. **Certificate for services within easements**

The submission of a certificate from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

60. **Electricity Supply Certificate**

Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of electricity supply throughout the subdivision.

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

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

- a) 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
- b) 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.

62. **Geotechnical Report (Lot Classification)**

A certificate from a practicing Geotechnical Engineer must be provided in conjunction with a Lot Classification Report prepared in accordance with Australian Standard AS2870.1. Such certificate must certify that all vacant allotments have a building site of adequate size and shape on each lot that is not subject to slip or subsidence.

63. **Maintenance Bond (Coogera Circuit Detention Basin)**

A maintenance bond of 5% (minimum bond amount of \$1,000.00) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of issue of the Subdivision Certificate. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

64. **Completion of All Works**

All subdivision works required by this development consent, and associated Construction Certificate, are to be completed prior to issue of the subdivision certificate. A copy of the final completion letter/s, issued by the Principal Certifying Authority, for the relevant subdivision works must be submitted with the application for a subdivision certificate.

65. **Record of Infrastructure (Coogera Circuit Detention Basin)**

A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Local Approvals Section.

66. **Year 1 primary ecological restoration work**

Primary ecological restoration work for Year 1 as defined within the approved Biodiversity Conservation Management Plan must be completed prior to the issue of a Subdivision Certificate.

67. **Landscaping works to be completed**

Landscaping is to be implemented in accordance with the approved Landscape Plan prior to issue of the subdivision certificate for the development. A site meeting must be arranged with Council to determine satisfaction of this condition or alternatively a report must be provided from a qualified and experienced Landscape Architect.

68. **Restriction on the keeping of cats and dogs**

The creation of a restriction as to use that prohibits the keeping of cats and dogs on all lots created by this subdivision other than "assistance animals" as defined by the *Companion Animals Act 1998*. Evidence is to be provided that a restriction on the use of land via a Section 88E instrument is registered on the titles prior to issue of the subdivision certificate.

69. **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 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 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.

Section 7.11 contributions Schedule for Byron Bay Suffolk Park 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 =	16	@	1	=		16
Less Site Credits =	1	@	-1	=		-1
Total SDU				=		15
Schedule valid until			28/07/2021			
			After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-BB)	15.00 SDU @	\$ 4,294.99	=	\$	64,424.85
LGA Wide Open Space & Recreation	(OS-SW)	15.00 SDU @	\$ 773.06	=	\$	11,595.90
LGA wide Community Facilities	(CF-SW)	15.00 SDU @	\$ 1,132.22	=	\$	16,983.30
Local Community Facilities	(CF-BB)	15.00 SDU @	\$ 1,275.83	=	\$	19,137.45
Bikeways & Footpaths	(CW-BB)	15.00 SDU @	\$ 1,414.39	=	\$	21,215.85
Shire Wide Bikeways & Footpaths	(CW-SW)	15.00 SDU @	\$ 83.05	=	\$	1,245.75
Urban Roads	(R-BB)	15.00 SDU @	\$ 3,093.38	=	\$	46,400.70
LGA Wide Roads	(R-SW)	15.00 SDU @	\$ 233.93	=	\$	3,508.95
Rural Roads	#N/A	15.00 SDU @	\$ -	=	\$	-
Administration Levy	(OF-SW)	15.00 SDU @	\$ 1,169.31	=	\$	17,539.65
<b>Total</b>				=	\$	<b>202,052.40</b>

70. **Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997**

Documentary evidence from a suitably qualified professional is to be submitted with the construction certificate application, demonstrating that the bushfire conditions as issued under Section 100B of the *Rural Fires Act 1997* have been complied with in relation to any necessary subdivision works.



## **The following conditions are to be complied with at all times**

71. **Limited tree removal**  
Removal of native trees from the site is limited to those expressly identified for removal in the approved tree removal and retention plan. All other native trees and plants within the site are to be retained and protected.
72. **Ecological restoration works**  
Ecological restoration work must be undertaken and continued until the performance criteria have been achieved in accordance with the approved Biodiversity Conservation Management Plan for a minimum period of ten years, during which annual monitoring reports must be submitted to Council for approval.

## **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-21450) 10.2019.466  
Our reference: DA-2019-03525-CL55-1

**ATTENTION:** Ivan Holland

Date: Wednesday 5 May 2021

Dear Sir/Madam,

**Development Application**  
**s100B – Subdivision – Community Title Subdivision**  
**41 Bottlebrush Crescent SUFFOLK PARK NSW 2481, 282//DP1018663**

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 29/04/2021.

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 layout identified on the drawing titled 'Proposed Subdivision Layout', prepared by Tricend Design & Engineering (Ref: DWG No. 0720-T02, Rev. C), dated 20 November 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. achieve this, the following conditions shall apply:***

2. A restriction to land use pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed on Lots 2 and 17 requiring the entire area of each lot to be managed as an inner protection area (IPA). The IPA must comply with the following conditions:

- minimal fine fuel at ground level;
- grass mowed or grazed;
- trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- trees and shrubs located far enough from buildings so that they will not ignite the building;
- garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- minimal plant species that keep dead material or drop large quantities of ground fuel;
- tree canopy cover not more than 15%;
- tree canopies not located within 2 metres of the building;

### 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)

- trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and
- lower limbs of trees removed up to a height of 2 metres above the ground.

3. A restriction to land use pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed on Lot 1 requiring the following areas to be managed as an inner protection area (IPA):

- the areas identified as 'APZ' and/or 'buffer zone and APZ' on the drawing titled 'Proposed Subdivision Layout', prepared by Tricend Design & Engineering (Ref: DWG No. 0720-T02, Rev. C), da 20 November 2020;
- 10 metres to the east of the building envelope on Lot 2;
- 10 metres to the west of the building envelope on Lot 3;
- 10 metres to the north-west of the building envelope on Lot 7; and
- 10 metres to the south of the building envelope on Lots 12 and 14.

The IPA must comprise:

- minimal fine fuel at ground level;
- grass mowed or grazed;
- trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- trees and shrubs located far enough from buildings so that they will not ignite the building;
- garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- minimal plant species that keep dead material or drop large quantities of ground fuel;
- tree canopy cover not more than 15%;
- tree canopies not located within 2 metres of the building;
- trees separated by 2 - 5 metres and do not provide a continuous canopy from the hazard to the building; and
- lower limbs of trees removed up to a height of 2 metres above the ground.

4. A restriction to land use pursuant to section 88 of the Conveyancing Act 1919 shall be placed on Lots 2 to prohibit the construction of a dwelling or Class 10 building within 10 metres of a dwelling within the areas identified as 'APZ' and/or 'buffer zone and APZ' on the drawing titled 'Proposed Subdivision Layout', prepar by Tricend Design & Engineering (Ref: DWG No. 0720-T02, Rev. C), dated 20 November 2020.

#### **Access – Property Access**

***The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this following conditions shall apply:***

5. The internal private access road shall comply with the following requirements of section 4.1.3 (1) of Planning for Bush Fire Protection 2006:

- road(s) shall be two wheel drive, all weather roads;
- road widths shall comply with Table 4.1 in Planning for Bush Fire Protection 2006;
- traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles;
- roads have a cross fall not exceeding 3 degrees;
- the road is clearly signposted as a dead end;
- curves of roads are a minimum inner radius of 6 metres;
- the minimum distance between inner and outer curves is 6 metres;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more thar 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- there is a minimum vertical clearance to a height of 4 metres above the road at all times;
- the capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle f other areas). Bridges clearly indicate load rating;





- roads greater than 6.5 metres wide locate hydrants outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression;
- roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression;
- roads 5.5 to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression;
- one way only access roads are no less than 4 metres wide (kerb to kerb) and provide parking within parking bays located outside the kerb to kerb space. Services are located outside of the parking bays to ensure accessibility to reticulated water for fire suppression;
- parking bays are a minimum of 2.6 metres wide from kerb to edge of road pavement. No services are located within the parking bays;
- public roads directly interfacing the bush fire hazard provide roll top kerbing to the hazard side of the road;
- parking bays are to be located separately from the proposed passing bays, with the passing bays being clearly delineated and sign posted as 'no parking' zones;
- the junction at the commencement of the loop road (adjacent to the eastern edge of Lot 8) shall have sufficient dimensions to permit a reverse turn (i.e. minimum inner radius of 6 metres and minimum distance between the inner and outer curve of 6 metres).

#### **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 to a building. To achieve this, the following conditions shall apply:***

6. 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:***

7. Landscaping of the site shall comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways;
- grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building;
- planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- landscape species are chosen in consideration needs of the estimated size of the plant at maturity;
- species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies;
- smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown;
- planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter);
- climbing species are avoided to walls and pergolas;
- combustible materials such as woodchips/mulch and flammable fuel are stored away from the building;
- combustible structures such as garden sheds, pergolas and materials such as timber garden furniture are located away from the building; and
- low flammability vegetation species are used.

#### **General Advice – Consent Authority to Note**

- Development applications lodged on lots created within this subdivision may be subject to further assessment under the Environmental Planning & Assessment Act 1979.



- This letter is in response to an assessment of the application based on the submitted further inform and supersedes our previous general terms of approval dated 29 November 2019.

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

Yours sincerely,

Alan Bawden  
**Supervisor, Dev. Assessment & Planning**  
**Built & Natural Environment**



## 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 1988.
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 relevant provisions of Development Control Plan 2010
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.

### How community views were addressed

The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.
To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

## 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 forms are available from the customer services counter or Council's website [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

### Principal Certifying Authority:

Work must not commence until the applicant has:-

- appointed a Principal Certifying Authority (if the Council is not the PCA); and
- given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- 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).

#### **Water payments under the *Water Management Act 2000***

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

#### **ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT** **(ET Policy 2018)**

Water	16.00 ET
Bulk Water	16.00 ET
Sewer	16.00 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.