

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.	Rev No.	Plan Title	Drawn by	Dated
16244 01 of 06		Title page	Greg Alderson & Associates	11/09/2023
1	A	Site Plan - Bushfire	Greg Alderson & Associates	03/07/2023
03 of 06		Proposed subfloor	Greg Alderson & Associates	17/01/2024
04 of 06		Proposed Floor Plan	Greg Alderson & Associates	17/01/2024
05 of 06		Proposed Elevations	Greg Alderson & Associates	17/01/2024
16244_ww_do		Onsite Wastewater Management Assessment, Proposed dual occupancy dwelling at Lot 7 DP 260707, 135 Blindmouth Rd, Main Arm	Greg Alderson Associates	31 ST Aug 2023

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. **Car Parking to be available for the approved use**

Parking within the development, together with all driveways and turning areas, must be provided and maintained as follows:

- a) 2 car spaces for the existing dwelling; and
- b) 1 car space for the proposed dwelling.

3. **Support for neighbouring buildings**

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

4. **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** to this consent.

5. **Concurrent Approvals**

The following approvals are provided under Section 4.15 of Environmental Planning and Assessment Act:

Integrated Approvals under Section 68 of the Local Government Act 1993

- C5 Installing constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.

6. **Bush fire safety measures**

This land is identified as being designated bush fire prone land and under section 4.14 of the Environmental Planning and Assessment Act 1979, Council must be satisfied prior to making a determination for development on bush fire prone land that the development complies with "Planning for Bush Fire Protection 2019".

The development is approved subject to the following conditions:

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

1. From the commencement of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the property around the dwelling must be maintained as an Inner Protection Area (IPA), in accordance with the requirements of appendix 4 of Planning for Bush Fire Protection 2019, as follows:
 - North, South and East for a minimum distance of 20m from the dwelling; and/ or
 - West for a minimum distance of 9m from the dwelling.

When establishing and maintaining an IPA the following requirements apply:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should be separated by 2 to 5m;
- Preference should be given to smooth barked and evergreen trees;
- Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed.

Water and Utilities Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:
 - a. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting static water supply (SWS) shall be provided on site.
 - b. An outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (5-20 metres);
 - c. 65mm Storz connection with a ball valve is fitted to the outlet;
 - d. The ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material;
 - e. Underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank;
 - f. A hardened ground surface for truck access is supplied within 4m 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 fixtures.
 - 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 19mm internal diameter; and
 - o. Fire hose reels are constructed in accordance with AS/NSZ 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 NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard;
 - i. Markers must be fixed in a suitable location so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply
 - q. Where practicable, electrical transmission lines are underground;
 - r. Where overhead electrical transmission lines are proposed as follows;
 - i. Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - ii. 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.
 - s. 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.
 - t. All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - u. Connections to and from gas cylinders are metal;
 - v. Polymer-sheathed flexible gas supply lines are not used; and
 - w. Above-ground gas service pipes are metal, including and up to any outlets.

Access – Property Access

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

3. Property access roads must comply with the property access section of Table 5.3b of Planning for Bush Fire Protection 2019 as follows:
 - a. Property access roads are two-wheel drive, all-weather roads
 - b. The capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating;
 - c. There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - d. Firefighting vehicles can access the dwelling and exit the property safely;
 - e. Minimum 4m carriageway width
 - f. A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - g. Property access must provide a suitable turning area in accordance with Appendix 3 of 'Planning for Bush Fire Protection 2019';
 - h. Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - i. The minimum distance between inner and outer curves is 6m; the crossfall is not more than 10 degrees; and,
 - j. Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 5/6 (BAL 12.5/19) Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' and the relevant requirements of Section 7.5 of Planning for Bush Fire Protection 2019 as follows:
 - a. BAL – 12.5 to the South and Western façade
 - b. BAL 19 to the North and Eastern façade

5. Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

Landscaping within the required inner protection area is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'

The following conditions are to be complied with prior to issue of a Construction Certificate for building works

7. 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 works
- 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.

8. **Plans of retaining walls and drainage**

The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage.

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

9. **Terms of approval for on-site sewage management required**

Refer to Local Government Act Section 68 Application No. **70.2023.428.1** or Local Government Act Section 68 approvals issued subsequent to this consent (**Schedule 3**).

10. **Rainwater tanks - amendment to the plan required**

Rural dwellings without reticulated water must have minimum domestic tank capacity to ensure that adequate water supply is available.

The plans submitted for approval of the Construction Certificate must be amended to demonstrate that the approved rural dwelling has a dedicated minimum domestic tank capacity of 40,000 litres, exclusive of any additional water storage required for firefighting purposes required by this development consent.

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

11. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. 1414462S, dated 01 September 2023.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

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

12. **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 consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must be non-reflective 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.

13. **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".

14. **Access & Parking**

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. Plans are to include, but not be limited to, the following items:

- a) minimum 150mm compacted pavement, sealed for grades greater than 12%;
- b) location and dimensions of compliant parking spaces;
- c) site conditions affecting the access;
- d) existing and design levels;
- e) longitudinal and cross sections;
- f) turning areas;
- g) drainage details; and
- h) access requirements of any bushfire conditions.

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".

15. **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. 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.

16. **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.

17. **Tree Removal**

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

18. **Insect screening required**

The application for a Construction Certificate is to include plans and specifications that provide effective insect screening to all windows, doors and other openings to all parts of the development used for habitable purposes.

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

19. **Developer Contributions to be paid**

Contributions set out in the schedule below are to be paid to Council prior to the release of a construction 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 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.

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

20. **Erosion and Sediment Control Management Plan required**

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.

21. **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. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council or be a building and construction site portable chemical toilet.

Only one (1) such portable chemical toilet may be used during construction, should additional toilets be required during the construction they must be either:

- a. Connected to an accredited sewage management system approved by the Council. or
- b. Not installed or used until such time that approval under Section 68 of the Local Government Act 1993 is obtained for the installation of a human waste storage facility.

Note: The chemical toilet must be installed and serviced by a licensed contractor (including pump-outs)

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

22. **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.

23. **Construction Noise**

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

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.

24. **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:
- Internal drainage prior to covering of the works.
 - External drainage prior to the covering of works.
 - Irrigation installation prior to the covering of works.
 - Final
25. **Implementation of BASIX commitments**
While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
26. **Signs to be erected on building and demolition sites**
A sign must be erected in a prominent position on the work site:
- stating that unauthorised entry to the work site is prohibited, and
 - 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.
27. **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.
28. **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.**
29. **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.
30. **Demolition**
Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.
31. **Muted bushland tones external finishes**
To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright roof colours are not permissible.
32. **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.

33. **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 \(2014\)](#)
34. **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](#).
35. **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.

The following conditions are to be complied with prior to occupation of the building

36. **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 including approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final 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.
37. **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.

38. **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>'.
39. **Plumbing Works**
All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate.”
40. **Access and parking areas to be completed.**
The access and parking areas are to be constructed in accordance with the approved plans prior to the issue of an occupation certificate.
41. **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.
42. **Compliance with bushfire conditions**
Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

The following conditions are to be complied with at all times

43. **Use of the dwelling house**
The dwelling house is not to be holiday let or used as tourist and visitor accommodation or as **short-term rental accommodation**.
44. **Rain Water Supply**
All rain water supply tanks are required to divert water from the first rainfall using a first flush or bypass device.
45. **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.
46. **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.
 - e. Goods deliveries shall be restricted to daytime operating hours.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 2, Subdivision 1 of the Environmental Planning and Assessment Regulation 2021 as at the date of this development consent as are of relevance to this development must be complied with:

- [69](#) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- [70](#) Erection of signs
- [71](#) Notification of Home Building Act 1989 requirements
- [72](#) Entertainment venues
- [73](#) Maximum capacity signage
- [74](#) Condition relating to shoring and adequacy of adjoining property
- [75](#) Fulfilment of BASIX commitments

Refer to the [Environmental Planning and Assessment Regulation 2021](#), Division 2, Subdivision 1 of for full text of the above clauses. This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. LOCAL GOVERNMENT ACT 1993 SECTION 68 CONDITIONS OF APPROVAL

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#A2024/3002 BSC File No. GMB\SEC x 182270 x 70.2023.332.1

19 January 2024

Mr R L Larkin
135 Blindmouth Road
MAIN ARM NSW 2482

Email: larkinross@hotmail.com

Dear Mr Larkin



ONSITE SEWAGE MANAGEMENT SYSTEM (OSMS)

Application Number	70.2023.332.1
Activity Description	Installation for Two Bedroom Dual Occupancy Dwelling (Detached)
Parcel Number	182270
Property Description	LOT: 7 DP: 260707 135 Blindmouth Road MAIN ARM
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Two Bedroom Dual Occupancy Dwelling (Detached)

Approval for your OSMS is **attached**.

Please be aware that other development and /or construction approvals may be required for this development.

A copy of this approval, including the conditions and stamped plans must be kept onsite to ensure works are carried out in accordance with the approval.

BOOKING INSPECTIONS

Inspections with Council’s Building Certifiers, Local Approval Officers and Engineers must be made using the Inspection Booking Form at www.byron.nsw.gov.au/inspectionbookings. You will need to provide:

- Date of inspection – before 12pm the day before you would like your inspection
- Type of inspection (see below)
- Name and contact phone number
- Address of property to be inspected
- Relevant application number.

If you have any questions in relation to inspections, please contact Building Services on 6626 7050.

Yours sincerely

Anne Wilson
Administration Supervisor
Public and Environmental Services

#A2024/3002 BSC File No. GMB\SEC x 182270 x 70.2023.332.1
Contact: Mr S Collyer

19 January 2024

Mr R L Larkin
135 Blindmouth Road
MAIN ARM NSW 2482



Dear Mr Larkin

APPROVAL TO INSTALL ON-SITE SEWAGE MANAGEMENT SYSTEM (OSMS) AND ASSOCIATED PLUMBING WORKS

Approval No.	70.2023.332.1
Parcel No.	182270
Property Description	LOT: 7 DP: 260707 135 Blindmouth Road MAIN ARM
Owner	Mr R L Larkin
Applicant	Mr R L Larkin
Proposal	Installation for Two Bedroom Dual Occupancy Dwelling (Detached)
Structures Connected to OSMS	Nil
Structures Proposed to be Connected to OSMS	Two Bedroom Dual Occupancy Dwelling (Detached)
Proposed System	Install and connect drainage to Sewage Management Facility comprising of: Treatment 1 3000 L Septic Tank Treatment 2 Subsurface Flow Wetland of 7.2m ² Disposal Type 1 x ETA bed 19.85m (L) x 1.6m (W) x 0.45m (D)

Determination Date: 19 January 2024

NOTE: Rights of Appeal

You are advised of your rights to request a review of Council's determination pursuant to Section 100 of Local Government Act 1993. Such a request must be made within 28 days of the date of determination. A fee is payable in respect to this request.

19 January 2024

Mr S Collyer
Environmental Health Officer

Date of Endorsement

Attachment: Conditions of Approval

APPLICATION APPROVED: Approvals are granted subject to the conditions **attached** to this notice (LGA Section 94).

LAPSING OF APPROVAL: This approval will lapse in 5 (five) years after the date from which it operates.

REVIEW OF APPROVAL: An applicant may request the Council to review a determination within twenty eight (28) days of the date of determination (in accordance with Section 100, Local Government Act 1993).

APPEAL PROVISIONS: An applicant who is dissatisfied with the determination of a Council may appeal to the Land and Environment Court within twelve months from approval (Section 176, Local Government Act 1993).

If you have any questions regarding this Notice, please contact the Council's Environmental Health Unit (02) 6626 7107 or alternatively PES@byron.nsw.gov.au .

Conditions of Approval

Notes:

- It is the applicant's responsibility to obtain consent for any building or subdivision works. This consent does not imply approval of any future building or subdivision works.
 - Consent will be required to connect all plumbing and drainage associated with future building works to the approved sewage management facility.
 - Unless tree removal is depicted on the approved plans or identified in the application, this approval does not give consent to the removal of trees or vegetation protected by the Byron Shire Council Tree Preservation Order.
 - It is the applicant's responsibility to obtain consent for any dwelling/shed. This consent does not imply approval of any future dwellings/sheds.
 - Consent will be required to connect all plumbing and drainage associated with future dwellings to the approved sewage management facility.
1. This Section 68 application to Install an On-Site Sewage Management System is approved on the condition that DA No. 10.2023.332.1 (to which this is a concurrent application) is approved.
 2. The applicant shall install a Sewage Management Facility comprising the following:

Treatment 1	3000 L Septic Tank
Treatment 2	Subsurface Flow Wetland of 7.2m ²
Disposal Type	1 x ETA bed 19.85m (L) x 1.6m (W) x 0.45m (D)

Note: All Waste Treatment Devices must be accredited by NSW Health. Tanks must bear the standard mark (AS1546-1990).

3. The proposed wastewater system shall be constructed generally in accordance with:

Plan/Report No.	Description	Prepared by	Dated:	Council Record
Guidance Document	NSW Environment and Health Protection	NSW State Government Agencies	Jan 1998	N/A
OS-	Council specifications attached	Byron Shire Council	N/A	N/A
Approval No	70.2023.332.1 and 10.2023.332.1	Byron Shire Council	Date of S68 approval. 19.01.2023	N/A
Report	Report No. 16244_ww_do	Report author. Greg Alderson Associates	Report date. 31 st Aug 2023	Council record No. E2023/94241
Stamped Plans	70.2023.332.1 and notations (IN RED).	Byron Shire Council	Date of S68 approval. 19.01.2024	Council record No. E2024/6101

4. **Prior to work commencing** on construction of the on-site sewage management system the following is required:
 - a) A licensed plumber is to be engaged to carry out the work. The plumber is to obtain a permit from Byron Council prior to commencing any work and must lodge a completed Notice of Work ([NSW Fair Trading Notice of Work](#)). If there is more than 1 plumber carrying out works then separate permits will have to be lodged stating specifically the works that are to be carried out.
5. The proposed on-site sewage management system has been designed for treatment of a wastewater loading of 345 L/Day (3 persons / 2 bedrooms).
6. **The OSMS is currently approved to connect to a Two Bedroom Dual Occupancy Dwelling (Detached).**
7. The on-site sewage management system is to be installed by a licensed tradesman in accordance with approved plans, specifications and conditions of approval and the requirements of the NSW Code of practice and AS/NZS 3500 must be adhered to.
8. The sewage management system shall not be used until such time as it is completed, inspected and approval for use issued by Council. The owner is required to maintain the system in accordance with the approved plans, specifications and conditions of approval.
9. A user operation and maintenance manual shall be provided on completion of the system and prior to commissioning.
10. The following inspection/s will be required for the Water and Sewage Work:
 - a) Internal drainage;
 - b) External drainage & Irrigation area;
 - c) Rough in / Stack (if applicable)
 - d) Final Completion - A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours:
 - i. a Compliance Certificate; and
 - ii. Sewer Services Diagram/ Works as Executed drawings.

Note 1: Council will send each plumber proformas of these documents when the Notice of Work permit has been issued by Council to allow the plumber to commence work.

Note 2: Inspections will not take place unless the plumber or the plumber's representative is on-site. Re-inspection fees will apply to plumbers not on-site for inspections. Fees will be charged for all inspections.

Plumbing Works Related Conditions

1. Prior to commencement of works

In accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage your Plumber **must obtain a Plumbing Permit at least two (2) working days prior to commencing work**. Please forward this to your plumber to complete and to return to Council prior to commencement of work. All work is to be completed by a suitably qualified person licensed for the purpose by the NSW Department of Fair Trading. If the property is to be connected to council water mains, no internal sewer inspections shall take place until a water meter is installed. Drawing off of the council water main without a meter will result in a fine and possibly a stop works notice.

2. During Construction

Plumbing, Water Supply and Sewerage 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. The changes made are from Plumbers and Drainage Regulation 2012 NSW Government

- a) The licensee is to provide 24 hours notice and attend the site for the following **INSPECTIONS**, prior to covering of work. Inspections will be carried out a mutually convenient time for any works that fall under the following descriptions for inspections. (If there are no applicable works, for example, a new water supply with no sewer services, then an inspection for "external drainage" will not be required)

Required Inspections are as follows:

Inspections for structures

EG Dwellings, sheds, studios etc with plumbing and drainage, up to the connection point of the OSMS.

Typical inspections **for Structures** that must be booked in include but are not limited to the following:

- Internal Drainage External Drainage
- Sewer connection to the OSMS
- Water Rough In (including any in ground water supply lines from water tanks or other buildings);
- Stack work/elevated drainage;
- Final - all work completed*. Note below.

Inspections for OSMS

Typical inspections **for OSMS** that must be booked in include but are not limited to the following:

- External Drainage (between components of the systems, for example, between Septic tanks and ETA beds)
- Pump lines between system components (for example; sewer pump lines must be inspected prior to covering)
- ETA Beds or trenches prior to back fill.
- Final - all work completed*. Note below.

***Prior to booking a final inspection**, a licensee is required to provide to Council and owner of the property a Compliance Certificate (COC), Sewer Services Diagram (SSD) and/or Works as Executed drawings (WAE).

SSD is development drainage up to the boundary shaft or Inspection Opening. See link below:
https://www.fairtrading.nsw.gov.au/trades-and-businesses/construction-and-trade-essentials/plumbers-and-drainers/plumbing-inspection-documents#sewer_service_diagram

WAE is the OSMS up to the boundary shaft or Inspection opening being the connection point of the dwelling/building.

WAE Plans require additional detail to that of the standard SSD for NSW fair trading as adopted by this Council:

1. Plans shall be done in BLACK PEN only, using a ruler. No freehand.
2. The plan must have dimensions and volumes for all components, Septic, Trenches etc.
3. The plan must include distance measurements to the nearest boundary and the location of the tank and trenches relative to the house (or other such building) i.e. the plans shall include the outline of the buildings and boundaries.
4. COC No. is the "70.20XX.XXX.X" number of the job.
5. Plan must show locations of all Inspection openings to surface.
6. Trenches shall show internal pipe layout
7. Plans shall accurately reflect the installation and be to the nominated scale in order to assess buffer offsets.

AOS-ETA

EVAPOTRANSPIRATION/ABSORPTION BEDS

OPERATION REQUIREMENTS

The evapotranspiration area (ETA) has been designed and constructed to have a limited hydraulic capacity. Where usage exceeds design capacity a public health risk or environmental harm may occur.

Effluent from the approved wastewater treatment system is designed to be evenly dispersed into each ETA field, ensuring the maximum opportunity for effluent to be taken up by the environment. The ETA provides the best opportunity for plant nutrient uptake and evaporation / transpiration.

ETA should be completely flat and level.

The characteristics of the natural soil are an important part of the functioning of ETA. In our climate of regular and heavy rainfall, ETA can be damaged by surface water flows. Diversion drainage or berms should be maintained to prevent 'water logging' of the ETA. Roof waters and rain water tank overflows should be piped away from the ETA.

ETA should be operated and maintained strictly in accordance with manufacturer's instructions and regular maintenance and attention is required. Effluent from the approved treatment system shall be dispersed into each ETA bed field.

There are minimal maintenance requirements for ETA. The area should be protected from vehicle traffic, heavy stock grazing and large tree / root invasion. The best environment to support long term success of any ETA is a well maintained surface with even plant coverage and maximum sun. Bare or wet areas within such an area might indicate a point of failure.

MAINTENANCE REQUIREMENTS

1. The system operator should maintain the ETA in regard to adequate cover, elimination of weeds, maintenance of plants and shrubs. **If surcharging** effluent is observed or other signs of field malfunction are found, the system operator should contact their service provider or a licensed plumbing contractor to investigate.
NOTE: Any alteration, extension or construction associated with your on-site sewage management system requires the prior approval of Council.
2. At least once each year a service should be carried out by a service provider of licensed plumbing contractor particularly for service of any associated pressure dosing systems.
3. A service report sheet shall be completed for every service. Operators should maintain records of all service inspections and pumpouts performed whilst the sewage management facility continues to operate. **Each year a copy of the service report should be provided to Council.**
4. Check for system failures which are generally indicated by:
 - a. Effluent on the surface of the land application area.
 - b. Surcharge of effluent from the land application area. Dead vegetation or excessively luxuriant growth of vegetation leading away from the land application area/s.
 - c. Foul odours emanating from the land application area.
 - d. Overflow at the septic tank or household plumbing fixtures.

AOS-ST

SEPTIC AND SULLAGE TANKS

OPERATIONAL REQUIREMENTS

The septic tank installed on the property is limited in the design of connected fixtures and maximum capacity of the system.

1. Minimise water usage in the building to reduce the volume of wastewater (hydraulic load) required to be stored and treated by the system. Overloading the system should be avoided.
2. Minimise biological and chemical substances entering the system by choosing to use a kitchen sink strainer, and minimising the use of laundry and general cleaning chemicals. Biologically harmful chemicals such as bleach and disinfectants should be used sparingly in any fixtures connected to the system.
3. Do not discharge grease, oil, paint, pesticides, chemicals or medications. The system does not have the complexity to properly decompose large quantities or complex organic compounds arising from such sources. The best option is to prevent such products from entering the system. Insoluble plastics and materials should not be added to the system.
4. Ensure that the septic tank is not connected to roof stormwater pipes or water tank overflow pipes. It is also important that the top of the tank is maintained sealed so as to prevent water entering the tank and overloading the system.
5. The septic tank will gradually fill with insoluble soil and materials over time through the process of storing and treating your wastewater. This reduction in the capacity of the tank is best managed by 'pumping out' the insoluble sludge at least every five years (more frequently if monitoring indicates that it is necessary). Licensed contractors can be found in the local "Yellow Pages" to perform this routine service. The use of unlicensed contractors may result in damage to the tank fittings.

Failure to regularly pump out your septic tank may result in costly failure of your land application area, and public health and environmental impacts on the land.

6. Protect the septic tank (and connecting pipes) from damage by vehicles, heavy animals such as cattle and horses, or large trees / roots.

MAINTENANCE REQUIREMENTS

1. Check sludge and scum depth at least annually. Pump out sludge every 3-5 years.
2. If an outlet filter is installed in the septic tank, clean as per manufacturer's instructions, and replace. Ensure that contaminated filter material is returned to the septic tank.
3. Check for system failures which are generally indicated by:
 - (a) Plumbing fixtures and fitting not draining properly indicate a damaged or blocked pipe or possible septic tank failure.
 - (b) Surcharge of effluent at ground level either around the tank, or down the slope at the land application area/s.
 - (c) Foul odour emanating from the tank or land application area/s.
Call a licensed plumber if you have concerns that your system is failing.

OS-WL

SUB-SURFACE FLOW WETLANDS

SPECIFICATION

DESIGN REQUIREMENTS

1. A minimum buffer of 10 metres to residential buildings is recommended.
2. *The outlet and inlet devices shall be accessible to allow for maintenance and operation inspections.*
3. *The outlet device shall be adjustable to allow for the effluent level in the wetland to be varied to suit vegetation and operational requirements.*
4. *Approved lining materials are as follows:*
 - a) Stainless Steel
 - b) Polyethylene Water Troughs
 - c) "Canvacon" and similar rubberised dam liners. Plastic liners are not acceptable
 - d) Brick and Concrete
 - e) Fibreglass
 - f) Geomembrane liners (Kays, 1996)

INSTALLATION REQUIREMENTS

1. All pipework and fittings shall comply with relevant Australian Standards.
2. All materials shall be durable and of non-corrosive components with an expected operating life of at least 15 years.
3. Planting with species such as *Phragmites australis* or other suitable local species.

OPERATION REQUIREMENTS

All wastewater treatment systems have a limited hydraulic capacity where usage exceeds design capacity a health risk or pollution incident may occur.

MAINTENANCE REQUIREMENTS

1. *Quarterly maintenance check of the wetland area including checking of water level, cleaning of drains and elimination of weeds*
2. *The wetland plantings should generally be thinned or harvested annually to maintain the nutrient removal capacity of the system.*
Reference: Constructed Wetland Manual, Department of Land and Water Conservation. NSW. 1998.
3. Effluent quality exiting the wetland must be tested for total N, total P, BOD and suspended solids quarterly over the first 12 months of operation by a service contractor authorised by Council. Council may require adjustments to be made to the wetland design and land application area should the effluent quality fail to achieve its design target expectations.

These conditions have been imposed to ensure the effective operation of the sewage management facility for the protection of public health and the environment surrounding the installation site.

The application is determined in accordance with the above recommendation under delegated authority.

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 2021 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.

1. 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:-

- 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).

Fire Ants

The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the [Biosecurity \(Invasive Ant Carriers\) Control Order 2023](#) (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;
- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifying Authority with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within five kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

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
Rural North
Catchment

This schedule was calculated in spreadsheet #E2021/99005

1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		1	@	0.75 SDU	=	0.75
3 bedroom units/dwellings =		1	@	1 SDU	=	1
Allotments =		0	@	1	=	0
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	0.75
No further indexation. Contributions are at the Ministerial cap.						
Local Open Space & Recreation	(OS-RN)	0.75	SDU @	\$ -	=	\$ -
LGA Wide Open Space & Recreation	(OS-SW)	0.75	SDU @	\$ 828.74	=	\$ 621.55
LGA wide Community Facilities	(CF-SW)	0.75	SDU @	\$ 1,213.78	=	\$ 910.33
Local Community Facilities	(CF-RN)	0.75	SDU @	\$ -	=	\$ -
Bikeways & Footpaths	#N/A	0.75	SDU @	\$ -	=	\$ -
Shire Wide Bikeways & Footpaths	(CW-SW)	0.75	SDU @	\$ 89.03	=	\$ 66.77
Urban Roads	#N/A	0.75	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	0.75	SDU @	\$ 250.77	=	\$ 188.08
Rural Roads	(R-RN)	0.75	SDU @	\$ 16,364.15	=	\$ 12,273.12
Administration Levy	(OF-SW)	0.75	SDU @	\$ 1,253.54	=	\$ 940.15
Total						\$ 15,000.00