

MODIFICATIONS TO CONSENT:

- A. **Modify the “Staging of Construction” immediately before the heading “Parameters of this Consent” and condition 1 of the Notice of Determination to read as follows:**

Staging of Construction:

Stage 1 – Torrens Title Lot Consolidation of 3 Lots to 1 Lot and Boundary Adjustment (between two existing Lots).

Stage 2 – Works located on Proposed Lot 1. Construction of eight (8) dwellings, driveway, car parking and access to Kulgun Court, and Strata Subdivision;

Stage 4 – Works located on Proposed Lot 1. Construction of eight (8) dwellings, driveway, carparking, access to Brunswick Valley Way, and Strata Subdivision.

Stage 3 – Torrens Title subdivision of Lot 944 DP 241810 to create 2 lots; and Torrens Title Lot Consolidation of two lots into 1. Works located on Proposed Lot 2. Construction of ten (10) dwellings, driveway, car parking, and access to Matong Drive with a locked gate for Emergency Services (gate to be locked to prevent access through the site to Kulgun Court/Brunswick Valley Way), Strata Subdivision, Right-of Carriageway for dual occupancy on proposed Lot 3.

Stage 4 must be carried out before Stage 3.

Stage 5 – Works located on Proposed Lot 1. Construction of six (6) dwellings, driveway, carparking and Strata Subdivision.

Stage 6 – Construction of an additional dwelling on Proposed Lot 3 to create a Dual Occupancy (detached).

Stage 7 – Boundary adjustment between proposed Lot 2 and Lot 3.

Each construction stage must be undertaken in the above order (i.e. Stage 4 must be completed before Stage 3). Any changes to the sequencing of the construction staging will require a Section 4.55 application.

- B. **Modify “CONDITIONS FOR STAGES 2-6” immediately after condition 12 of the Notice of Determination to read as follows:**

CONDITIONS FOR STAGES 2-6

Stage 2 – Construction of 8 townhouses and associated infrastructure and strata subdivision; access to Kulgun Court.

Stage 4 – Construction of 8 townhouses and associated infrastructure and strata subdivision; access to Brunswick Valley Way.

Stage 3 – Construction of 10 townhouses and associated infrastructure and strata subdivision; access to Matong Drive; Subdivision of Lot 944 DP 241810 to create 2 lots; consolidation of 2 lots into 1.

Stage 4 must be carried out before Stage 3.

Stage 5 – Construction of 6 townhouses and associated infrastructure and strata subdivision

Stage 6 – Construction of 1 dwelling to create a Dual Occupancy (detached) and associated infrastructure

- C. **Modify conditions 1, 12, 28 and 32 of the Notice of Determination to read as follows:**

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:
	Proposed Subdivision Plan	Planit Consulting	04/2016 Revision 04 dated 31/07/17
	Proposed Strata Boundaries	Planit Consulting	04/2016 Revision 04 dated 31/07/17
Sheet 1 of 7	Stage 1 Plan	Planit Consulting	21/11/2016 Revision 02 dated 31/07/17
Sheet 2 of 7	Stage 2 Plan	Planit Consulting	19/12/16
Sheet 3 of 7	Stage 3 Plan	Planit Consulting	21/11/2016 Revision 02 dated 31/07/17
Sheet 4 of 7	Stage 4 Plan	Planit Consulting	19/12/16 Modified by Story Design 21/11/2021
Sheet 5 of 7	Stage 5 Plan	Planit Consulting	19/12/16 Modified by Story Design 11/11/2021
Sheet 6 of 7	Stage 6 Plan	Planit Consulting	19/12/16 Modified by Story Design 11/11/2021
Sheet 7 of 7	Stage 7 Plan	Planit Consulting	19/12/16
2039A	Master Site Plan – Stage 2	Parameter Designs	01/05/2017
2039A	Location Plan – Stage 2	Parameter Designs	01/05/2017
DA01	Part Site Plan 1	Leisure Brothers	September 2014 Amendment 4 11.09.2014 Modified by Planit 19/06/2017 Modified by Story Design 22/11/2021
DA02	Part Site Plan 2	Leisure Brothers	April 2015 Amendment 7 25.06.2015 Modified by Planit

			19/06/2017 Modified by Story Design 22/11/2021
DA03	Part Floor Plan 1	Leisure Brothers	September 2014 Amendment 1 11.09.2014 Modified by Planit 19/06/2017
DA06	Part Floor Plan 4	Leisure Brothers	September 2014 Amendment 1 11.09.2014 Modified by Planit 19/06/2017
DA07	Part Floor Plan 5	Leisure Brothers	April 2005 Amendment 1 11.09.2014
DA08	Part Floor Plan 6	Leisure Brothers	April 2005 Amendment 1 11.09.2014
DA09	Part Floor Plan 7	Leisure Brothers	April 2005 Amendment 2 25.06.2015
DA10	Part Floor Plan 8	Leisure Brothers	April 2005 Amendment 2 25.06.2015 Modified by Story Design 22/11/2021
DA11	Part Floor Plan 9	Leisure Brothers	April 2005 Amendment 1 11.09.2014
DA12	Part Floor Plan 10	Leisure Brothers	April 2005 Amendment 1 11.09.2014
DA13	Part Floor Plan 11	Leisure Brothers	April 2005 Amendment 2 09.06.2015
DA14	Part Floor Plan 12	Leisure Brothers	April 2005 Amendment 3

			09.06.2015
DA15	Sections	Leisure Brothers	April 2005 Amendment 1 11.09.2014
2039A	Type A-1: Site Plan, Proposed Floor Plan, Elevations	Parameter Designs	01/05/2017
	Type A-2: Site Plan, Proposed Floor Plan, Elevations		
	Type B-1: Site Plan, Proposed Floor Plan, Elevations		
	Type B-2: Site Plan, Proposed Floor Plan, Elevations		
	Type B-3: Site Plan, Proposed Floor Plan, Elevations		
	Type B-4: Site Plan, Proposed Floor Plan, Elevations		
	Type B-5: Site Plan, Proposed Floor Plan, Elevations		
	Type B-6: Site Plan, Proposed Floor Plan, Elevations		
DA16	Site Plan - Type A	Leisure Brothers	April 2005 Amendment 2 11.09.2014
DA17	Floor Plan – Type A	Leisure Brothers	April 2005 Amendment 4 11.09.2014
DA18	Elevations – Type A	Leisure Brothers	April 2005 Amendment 3 11.09.2014
DA19	Sections	Leisure Brothers	April 2005 Amendment 3 11.09.2014
DA20	Site Plan – Type B	Leisure Brothers	April 2005 Amendment 2 11.09.2014
DA21	Floor Plan – Type B	Leisure Brothers	April 2005 Amendment 4 11.09.2014

DA22	Elevations	Leisure Brothers	April 2005 Amendment 3 11.09.2014
DA24	Floor Plan – Type BA	Leisure Brothers	April 2005 Amendment 1 11.09.2014
DA25	Elevations	Leisure Brothers	April 2005 Amendment 1 11.09.2014
DA27	Matong Avenue Ocean Shores, NSW Type C	Leisure Brothers	September 2014 Amendment 2 11.09.2014
DA28	Floor Plan	Leisure Brothers	September 2014 Amendment 4 11.09.2014
DA29	Elevations	Leisure Brothers	September 2014 Amendment 3 11.09.2014
DA30	Sections	Leisure Brothers	September 2014 Amendment 3 11.09.2014
DA31	Floor Plan	Leisure Brothers	September 2014 Amendment 1 11.09.2014
DA32	Elevations	Leisure Brothers	September 2014 Amendment 1 11.09.2014
DA33	Section	Leisure Brothers	September 2014 Amendment 1 11.09.2014
DA34	Floor Plan	Leisure Brothers	September 2014 Amendment 1 11.09.2014
DA35	Elevation	Leisure Brothers	September 2014 Amendment 1 11.09.2014

DA36	Section	Leisure Brothers	September 2014 Amendment 1 11.09.2014
DA37	Floor Plan	Leisure Brothers	September 2014 Amendment 2 07.07.2014
DA38	Elevation	Leisure Brothers	September 2014 Amendment 1 07.07.2014
DA39	West Elevation – Section	Leisure Brothers	September 2014 Amendment 1 11.09.2014
07368/1-B	<i>Report on Geotechnical Investigation, Slope Stability, Landslip Kulgun Court Ocean Shores</i>	Shaw & Urquhart	14 December 2007
Crgref:1408 3a	Environmental Noise Impact Report	CRG Acoustics	17 th September 2014
	'Roads & Maritime Services' letter of approval.	RMS	25/8/2015
Figure 1	Lot 892 DP241810 & Lot 893 DP241810 Tree Survey Plan	unsigned	undated

except as modified by the following plans only in relation to Stage 4 of the development:

Plan No.	Description	Prepared by	Dated:
104 E	Site Plan - Stage 4	Story Design Collective	23/2/2022
105 E	Floor Plan Overall Stage 4	Story Design Collective	23/2/2022
106 E	Long Site Elevations & Section	Story Design Collective	23/2/2022
200 - H9 E	Site / Roof Plan	Story Design Collective	23/2/2022
201 - H9 E	Floor Plan	Story Design Collective	23/2/2022
202 - H9 E	Elevations + Section	Story Design Collective	23/2/2022
203 - H9 E	Elevation + Section	Story Design Collective	23/2/2022
210 - H10 E	Site / Roof Plan	Story Design Collective	23/2/2022
211 - H10 E	Floor Plan	Story Design Collective	23/2/2022
212 - H10 E	Elevations + Section	Story Design Collective	23/2/2022
213 - H10 E	Elevation + Section	Story Design Collective	23/2/2022
220 - H11 E	Site / Roof Plan	Story Design Collective	23/2/2022

221 - H11 E	Floor Plan	Story Design Collective	23/2/2022
222 - H11 E	Elevations + Section	Story Design Collective	23/2/2022
223 - H11 E	Elevation + Section	Story Design Collective	23/2/2022
230 - H12 E	Site / Roof Plan	Story Design Collective	23/2/2022
231 - H12 E	Floor Plan	Story Design Collective	23/2/2022
232 - H12 E	Elevations + Section	Story Design Collective	23/2/2022
233 - H12 E	Elevation + Section	Story Design Collective	23/2/2022
240 - H13 E	Site / Roof Plan	Story Design Collective	23/2/2022
241 - H13 E	Floor Plan	Story Design Collective	23/2/2022
242 - H13 E	Elevations + Section	Story Design Collective	23/2/2022
243 - H13 E	Elevation + Section	Story Design Collective	23/2/2022
250 - H14 E	Site / Roof Plan	Story Design Collective	23/2/2022
251 - H14 E	Floor Plan	Story Design Collective	23/2/2022
252 - H14 E	Elevations + Section	Story Design Collective	23/2/2022
253 - H14 E	Elevation + Section	Story Design Collective	23/2/2022
260 - H15 E	Site / Roof Plan	Story Design Collective	23/2/2022
261 - H15 E	Floor Plan	Story Design Collective	23/2/2022
262 - H15 E	Elevations + Section	Story Design Collective	23/2/2022
263 - H15 E	Elevation + Section	Story Design Collective	23/2/2022
270 - H16 E	Site / Roof Plan	Story Design Collective	23/2/2022
271 - H16 E	Floor Plan	Story Design Collective	23/2/2022
272 - H16 E	Elevations + Section	Story Design Collective	23/2/2022
273 - H16 E	Elevation + Section	Story Design Collective	23/2/2022

except as further modified by the following plans only in relation to the modified Stage 3 design, the increase in the number of dwellings from 8 to 10 and the revised internal driveway configuration:

Plan No.	Description	Prepared by	Dated:
400	-	Story Design Collective	28/10/2022 Rev H
401	Sketch Images Stage 3	Story Design Collective	28/10/2022 Rev H
403	Stage 3 Overview	Story Design Collective	28/10/2022 Rev H
404	Proposed Site Plan - Stage 3	Story Design Collective	28/10/2022 Rev H
405	Ground Floor Plan Overall Stage 3	Story Design Collective	28/10/2022 Rev H
406	First Floor Plan Overall Stage 3	Story Design Collective	28/10/2022 Rev H
H27-1	House 27 – Ground Floor Plan	Story Design Collective	28/10/2022 Rev H
H27-2	House 27 – First Floor Plan	Story Design Collective	28/10/2022 Rev H
H27-3	House 27 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H27-4	House 27 – Elevation 4	Story Design Collective	28/10/2022 Rev H

H28-1	House 28 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H28-2	House 28 – First Floor Plan	Story Design Collective	28/10/2022 Rev H
H28-3	House 28 – Elevations 1 & 2	Story Design Collective	28/10/2022 Rev H
H28-4	House 28 – Elevations 3 & 4	Story Design Collective	28/10/2022 Rev H
H29-1	House 29 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H29-2	House 29 – First Floor Plan	Story Design Collective	28/10/2022 Rev H
H29-3	House 29 – Elevations 1 & 2	Story Design Collective	28/10/2022 Rev H
H29-4	House 29 – Elevations 3 & 4	Story Design Collective	28/10/2022 Rev H
H30-1	House 30 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H30-2	House 30 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H30-3	House 30 – Elevation 4	Story Design Collective	28/10/2022 Rev H
H31-1	House 31 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H31-2	House 31 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H31-3	House 31 – Elevation 4	Story Design Collective	28/10/2022 Rev H
H32-1	House 32 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H32-2	House 32 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H32-3	House 32 – Elevation 4	Story Design Collective	28/10/2022 Rev H
H33-1	House 33 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H33-2	House 33 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H33-3	House 33 – Elevation 4	Story Design Collective	28/10/2022 Rev H
H34-1	House 34 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H34-2	House 34 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H34-3	House 34 – Elevation 4	Story Design Collective	28/10/2022 Rev H
H35-1	House 35 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H35-2	House 35 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H35-3	House 35 – Elevation 4	Story Design Collective	28/10/2022 Rev H
H36-1	House 36 – Floor Plan	Story Design Collective	28/10/2022 Rev H
H36-2	House 36 – Elevations 1, 2 & 3	Story Design Collective	28/10/2022 Rev H
H36-3	House 36 – Elevation 4	Story Design Collective	28/10/2022 Rev H
SK 401	Concept Stormwater Management Plan	Cozen Regan Group	8/22
SK 403	Concept Proposed Ultimate Basin	Cozen Regan Group	8/22
SK 404	Proposed Ultimate Basin Earthworks	Cozen Regan Group	8/22

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.

12) Section 88B Instrument

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

a) Rights of Carriageway

The creation of suitable rights of carriageway over Lot 2 to provide access to proposed Lot 3.

28) Public liability insurance cover required (Stages 2, 3)

The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million. Council is to be nominated as an interested party on the policy.

32) Compliance with BASIX Certificate requirements (All Stages)

The development is to comply with BASIX Certificate relevant to the appropriate stage, including No.575291M, dated 23 September 2014 and No. 831128M, dated 15 June 2017, except as modified by:

- (a) BASIX Certificate No. 1204724M_02 dated 25 October 2022 only in relation to Stage 3 of the development; and
- (b) BASIX Certificate No. 1174262M dated 5 February 2021 only in relation to Stage 4 of the development.

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 energy efficiency measures may be undertaken without the issue of an amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed external colours/materials must be consistent with those shown on the approved plans referred to in Condition No.1 of this consent. Such plans and specifications must be approved as part of the Construction Certificate.

D. Insert the following additional conditions into the Notice of Determination in appropriate order:

22A) On-site stormwater detention required specific for Stage 3

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed via an on-site stormwater detention system by gravity to the nominated lawful point of discharge below and designed according to the following: -

- The system for the central catchment/northern portion of the site must be designed to match the post developed ARI 100 year flows to the pre-developed ARI 5 year flows.
- The On-Site detention basin/infrastructure must discharge via the existing stormwater drainage pipe through Lot 686 DP 240398 to Aloota Crescent. This pipe line must be within an easement.
- An overland flow path for up to Q_{100} events within the easement.
- Minimum detention volume of $202m^3$ with flows no greater than $0.253m^3/s$

The design is to facilitate stand alone operational compliance for each stage of the development.

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

All stormwater drainage systems within the lot and the connection to a public or an inter-allotment drainage system must:

- a) comply with any requirements for the disposal of stormwater drainage and on-site stormwater detention contained in Council's Development Control Plan, Stormwater Guideline and Local Approvals Policy; and

- b) unless exempt from obtaining an approval under section 68 of the [Local Government Act 1993](#) by a Local Approvals Policy, an approval must be obtained under that Act prior to issue of a Construction Certificate.

25A) Adaptable Housing

One (1) of the dwellings subject to Stage 3 of the consent is to be constructed as adaptable housing in accordance with section B13.2.2 of Chapter B13 of the DCP.

25B) Adaptable Housing Certification

Prior to the issue of the construction certificate, a suitably qualified engineer and or professional with sufficient experience in adaptable dwelling must review the plans which relate to adaptable housing requirements and provide written evidence, to the certifier's satisfaction, that it complies with all parts of section B13.2.2 of Byron DCP 2014

The following areas are to be certified: -

Prescriptive Measure 1 including Access/continuous accessible path of travel and car parking:

25C) Stage 3 - Car Parking layout, Vehicle circulation and Internal Driveway/Access plans required

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

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

- a) User Class 1A
- b) 2 x parking space per unit/townhouse/adaptable house
- c) 3 x visitors parking spaces inside the common area
- d) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- e) site conditions affecting the access;
- f) existing and design levels;
- g) longitudinal section from the road centreline to the car space(s);
- h) cross sections every 15 metres;
- i) drainage details;
- j) turning paths; and
- k) line marking and signage.

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

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

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

25D) Stage 3 - Car Parking layout, Vehicle circulation and Internal Driveway/Access plans required

Prior to the issue of the construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it

complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Car parking and Council's development control plan to address the following:-

- a) Manoeuvring paths including clearances must remain within the common property for H28 & H29
- b) Manoeuvring encroachments into lot boundaries are not permitted

Sealed area in H30 must be extended to accommodate the manoeuvring paths of vehicles.

34C) An Environmental Management Plan must be submitted to Council for approval

An Environmental Management Plan (EMP) must be submitted to Council for approval prior to works commencing. The EMP must be prepared by a suitably qualified professional and contain details of measures to be undertaken to ensure that works do not result in any off-site impacts that could interfere with neighbourhood amenity by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. For information and guidance on reporting refer to

http://www.planning.nsw.gov.au/rdaguidelines/documents/emp_guideline_publication_october.pdf

Management of construction noise must give reference to NSW EPA Interim Noise Guideline

<http://www.epa.nsw.gov.au/resources/noise/09265cng.pdf>

34D) Details of acoustic treatments and ventilation measures for building construction

The application for a Construction Certificate is to include plans and specifications that demonstrate the inclusion of acoustic treatments and ventilation measures for building construction recommended in Section 6 of the Environmental Noise Impact Report prepared by CRG Acoustics dated 17th September 2014. Such plans and specifications must be approved as part of the Construction Certificate for building works.

34E) Acid sulfate soils management plan

Acid Sulfate Soils Management Plan is required for earthworks or works where a total volume of soil disturbed exceeds 1000 tonnes. The Plan must be prepared by a suitably qualified Environmental / Soil Scientist and in accordance with the Acid Sulfate Soil Manual (ASSMAC 1998), and approved prior to the issue of a construction certificate for those works.

F. Modify the “General Terms of Integrated Development Approval” of the Notice of Determination to appear as follows:



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-26605) 10.2014.743.5
Our reference: DA-2015-00058-S4.55-(none)

ATTENTION: Jordan Vickers

Date: Friday 17 September 2021

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Strata Title Subdivision
2 Kulgun Court OCEAN SHORES NSW 2483, //SP102058

I refer to your correspondence dated 13/08/2021 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

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

General Conditions

1. The development proposal is to comply with the layout identified on the following drawings:
 - 'Proposed Overall Staging Plan' prepared by Story Design Collective (Ref: 20017, Drawing No. 102, Rev. A), dated 28 January 2021;
 - 'Overall Master Plan' (Amendment No.8), prepared by Leisure Brothers, dated 25 June 2015;
 - 'Part Site Plan 1' (Amendment No.4), prepared by Leisure Brothers (modified by Planit Consulting, dated 19 June 2017);
 - 'Part Site Plan 2' (Amendment No.7), prepared by Leisure Brothers (modified by Planit Consulting, dated 19 June 2017);
 - 'Master Site Plan – Stage 2', prepared by Parameter Designs (Ref: 2039A), dated 1 May 2017;
 - 'Proposed Site Plan' (Stage 3), prepared by Story Design Collective (Ref: 20017, Drawing No. 104, Rev. C), dated 19 January 2021; and
 - 'Proposed Site Plan – Stage 4', prepared by Storey Design Collective (Ref: 20034, Drawing No. 404, Issue E), dated 9 May 2021,except as modified by the following conditions.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of development and in perpetuity, the entire property except the area greater than 15 metres north of proposed 'House 22' and greater than 15 metres east of proposed 'House 29' and 'House 30' shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction must comply with Sections 3 and 7 (BAL 29) of Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' or the relevant BAL 29 requirements of the 'NASH Standard - Steel Framed Construction in Bushfire Areas' (incorporating Amendment A - 2015). New construction must also comply with the construction requirements for BAL 29 in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

4. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

5. Fencing shall be non-combustible.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Access shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', except that road widths are to comply with Table 4.1.

7. Temporary turning areas and/or turning circles for Stages 2, 3, 4 and 5 shall comply with the following requirements:

- turning areas or reversing bays shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres; and
- turning circles shall have a minimum outer radius of 12 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 fire to a building. To achieve this, the following conditions shall apply:

8. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'. The reticulated water supply, including hydrants, shall extend into the development.

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:

9. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – Consent Authority to Note

- Establishment asset protection zones may require the clearing of vegetation. This bush fire safety authority does not authorise the clearing of any vegetation, nor does it include an assessment of potential flora and fauna impacts of clearing vegetation for the purpose of establishing asset protection zones. Approvals necessary for the clearing of vegetation should be obtained prior to the establishment of the proposed asset protection zones.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 07/05/2021.

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

Yours sincerely,

Alan Bawden
**Supervisor Development Assessment & Plan
Built & Natural Environment**



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Strata Title Subdivision
2 Kulgun Court OCEAN SHORES NSW 2483, //SP102058
RFS Reference: DA-2015-00058-S4.55-(none)
Your Reference: (CNR-26605) 10.2014.743.5

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

This authority supersedes the previous Bush Fire Safety Authority DA-2015-00058-S4.55-1 issued on 07/05/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Alan Bawden
Supervisor Development Assessment & Plan
Built & Natural Environment

Friday 17 September 2021

G. Modify the “Water payments under the Water Management Act 2000” Note and “Schedule of Development Contributions” Note in the Notice of Determination to read as follows:

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)

	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7
Water	6.40 ET	6.80 ET	4.80 ET	0.80 ET	0 ET
Bulk Water	6.40 ET	6.80 ET	4.80 ET	0.80 ET	0 ET
Sewer	8.00 ET	9.00 ET	6.00 ET	1.00 ET	0 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>).

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.

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.**

Developer Contributions to be paid for Stage 2 (8 Townhouses)

Section 94 contributions Schedule for						
Ocean Shores						
Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		8	@	1 SDU	=	8
Allotments =		0	@	1	=	0
Less Site Credits =		2	@	-1	=	-2
Total SDU					=	6
Schedule valid until		27/04/2017	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-OS)	6.00	SDU @	\$ 1,671.43	=	\$ 10,028.58
LGA Wide Open Space & Recreation	(OS-SW)	6.00	SDU @	\$ 723.48	=	\$ 4,340.88
LGA wide Community Facilities	(CF-SW)	6.00	SDU @	\$ 1,059.61	=	\$ 6,357.66
Local Community Facilities	(CF-OS)	6.00	SDU @	\$ 1,443.11	=	\$ 8,658.66
Bikeways & Footpaths	(CW-OS)	6.00	SDU @	\$ 455.71	=	\$ 2,734.26
Shire Wide Bikeways & Footpaths	(CW-SW)	6.00	SDU @	\$ 77.72	=	\$ 466.32
Urban Roads	(R-OS)	6.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	6.00	SDU @	\$ 218.92	=	\$ 1,313.52
Rural Roads	#N/A	6.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	6.00	SDU @	\$ 1,094.32	=	\$ 6,565.92
Total					=	\$ 40,465.80

Developer Contributions to be paid for Stage 3 (10 Townhouses)

Section 7.11 contributions Schedule						
Ocean Shores						
Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		10	@	1 SDU	=	10
Allotments =		0	@	1	=	0
Less Site Credits =		0	@	-1	=	0
Total SDU					=	10
Schedule valid until		26 Oct 2022	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-OS)	10.00	SDU @	\$ 1,876.40	=	\$ 18,764.00
LGA Wide Open Space & Recreation	(OS-SW)	10.00	SDU @	\$ 812.20	=	\$ 8,122.00
LGA wide Community Facilities	(CF-SW)	10.00	SDU @	\$ 1,189.55	=	\$ 11,895.50
Local Community Facilities	(CF-OS)	10.00	SDU @	\$ 1,620.08	=	\$ 16,200.80
Bikeways & Footpaths	(CW-OS)	10.00	SDU @	\$ 511.59	=	\$ 5,115.90
Shire Wide Bikeways & Footpaths	(CW-SW)	10.00	SDU @	\$ 87.26	=	\$ 872.60
Urban Roads	(R-OS)	10.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	10.00	SDU @	\$ 245.77	=	\$ 2,457.70
Rural Roads	#N/A	10.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	10.00	SDU @	\$ 1,228.52	=	\$ 12,285.20
Total					=	\$ 75,713.70

Developer Contributions to be paid for Stage 4 (8 Townhouses)

Section 94 contributions Schedule for Ocean Shores Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		8	@	1 SDU	=	8
Allotments =		0	@	1	=	0
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	7
Schedule valid until		27/04/2017	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-OS)	7.00	SDU @	\$ 1,671.43	=	\$ 11,700.01
LGA Wide Open Space & Recreation	(OS-SW)	7.00	SDU @	\$ 723.48	=	\$ 5,064.36
LGA wide Community Facilities	(CF-SW)	7.00	SDU @	\$ 1,059.61	=	\$ 7,417.27
Local Community Facilities	(CF-OS)	7.00	SDU @	\$ 1,443.11	=	\$ 10,101.77
Bikeways & Footpaths	(CW-OS)	7.00	SDU @	\$ 455.71	=	\$ 3,189.97
Shire Wide Bikeways & Footpaths	(CW-SW)	7.00	SDU @	\$ 77.72	=	\$ 544.04
Urban Roads	(R-OS)	7.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	7.00	SDU @	\$ 218.92	=	\$ 1,532.44
Rural Roads	#N/A	7.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	7.00	SDU @	\$ 1,094.32	=	\$ 7,660.24
Total					=	\$ 47,210.10

Developer Contributions to be paid for Stage 5 (6 Townhouses)

Section 94 contributions Schedule for Ocean Shores Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		6	@	1 SDU	=	6
Allotments =		0	@	1	=	0
Less Site Credits =		0	@	-1	=	0
Total SDU					=	6
Schedule valid until		27/04/2017	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-OS)	6.00	SDU @	\$ 1,671.43	=	\$ 10,028.58
LGA Wide Open Space & Recreation	(OS-SW)	6.00	SDU @	\$ 723.48	=	\$ 4,340.88
LGA wide Community Facilities	(CF-SW)	6.00	SDU @	\$ 1,059.61	=	\$ 6,357.66
Local Community Facilities	(CF-OS)	6.00	SDU @	\$ 1,443.11	=	\$ 8,658.66
Bikeways & Footpaths	(CW-OS)	6.00	SDU @	\$ 455.71	=	\$ 2,734.26
Shire Wide Bikeways & Footpaths	(CW-SW)	6.00	SDU @	\$ 77.72	=	\$ 466.32
Urban Roads	(R-OS)	6.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	6.00	SDU @	\$ 218.92	=	\$ 1,313.52
Rural Roads	#N/A	6.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	6.00	SDU @	\$ 1,094.32	=	\$ 6,565.92
Total					=	\$ 40,465.80

Developer Contributions to be paid for Stage 6 (Dual Occupancy)

Section 94 contributions Schedule for Ocean Shores Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		2	@	1 SDU	=	2
Allotments =		0	@	1	=	0
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	1
Schedule valid until		27/04/2017		After this date contact Council for CPI update.		
Local Open Space & Recreation	(OS-OS)	1.00	SDU @	\$ 1,671.43	=	\$ 1,671.43
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @	\$ 723.48	=	\$ 723.48
LGA wide Community Facilities	(CF-SW)	1.00	SDU @	\$ 1,059.61	=	\$ 1,059.61
Local Community Facilities	(CF-OS)	1.00	SDU @	\$ 1,443.11	=	\$ 1,443.11
Bikeways & Footpaths	(CW-OS)	1.00	SDU @	\$ 455.71	=	\$ 455.71
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @	\$ 77.72	=	\$ 77.72
Urban Roads	(R-OS)	1.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	1.00	SDU @	\$ 218.92	=	\$ 218.92
Rural Roads	#NA	1.00	SDU @	\$ -	=	\$ -
Administration Levy	(OF-SW)	1.00	SDU @	\$ 1,094.32	=	\$ 1,094.32
Total					=	\$ 6,744.30

STATEMENT OF REASONS

Council is 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 modifications are minor and the development as modified is substantially the same as the originally approved development, with no significantly detrimental environmental impacts.

How community views were addressed

The application was publicly exhibited in accordance with the 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 application.