

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.	Revision No.	Plan Title	Drawn by	Dated
Plan 2	B	Site Overview	Newton Denny Chappelle	09/11/2020
Plan 3	D	Site Layout Detail	Newton Denny Chappelle	17/02/2021

Document Title	Version No.	Prepared by	Dated
Land Use Conflict Risk Assessment Proposed Rural Function Centre Lot 7 DP1091198 No 36 Keys Road, Coorabell (Council Record #E2022/30642)	Revised final	Tim Fitzroy & Associates	28 March 2022

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. **NSW Police and Byron Shire Council requirements**

To permit the occasional holding of events in rural areas that does not adversely impact the rural amenity, agricultural production, scenic or environmental values of the surrounding lands, the following conditions must be complied with at all times:

- The sale, supply and/or consumption of liquor shall be prohibited, unless an appropriate 'Liquor Licence' is in force.
- Events/Functions shall be limited to a maximum of twenty (20) per year & not more than one (1) event/function per week. No more than one (1) event will be held at the function centre on any one weekend (Friday to Sunday). Only one (1) function can occur at any given time.
- A register specifying the event/function type, date, trading hours & expected patron numbers shall be kept on the premise at all times. This register must be immediately produced to Council Inspector and/or Police Officer on request.
- The proponent must provide Council and Local Police District Commander with written notice of any event/function at least seven (7) days prior. This notice must specify event/function type, date, trading hours & expected patron numbers.
- A written letter to be dropped in immediately adjoining residential properties is to be completed no later than 7 days before bump in activities commence. The written notice is to include details including name of the nominated Manager as well as a complaints management process. The complaints management process must be a user friendly

procedure for recording remedying complaints made by members of the public. Information on how to lodge a complaint must be clearly detailed in the letter.

Provision of a sign located so that it can be viewed from a public space outside of the property notifying the name and contact phone number of the management person is to be installed prior to and during each event.

- f. Hours of Operation shall be 12:00pm until 10:00pm seven (7) days, hours of operation shall be reviewable every twelve (12) months including after twelve (12) months of operation and at again at twenty-four (24) months of operation subject to the satisfaction of NSW Police and Byron Shire Council. Note. See Trial Period.
- g. The maximum number of patrons permitted on the venue at any one time shall not be more than one hundred & fifty (150) excluding the event staff & organizer.
- h. Entertainment shall be restricted by type - the type of entertainment permitted shall be restricted to acoustic soloists & duos and/or low background amplified music only.
- i. The LA10* noise level emitted from the premises shall not exceed the background noise level in any Octave Band centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

- j. The development must not generate noise, traffic, parking or light spill that will significantly impact on surrounding residential areas, and
- k. The development must not impair the use of the surrounding land for agriculture or rural industries.
- l. The development is not for the purpose of a convention centre, exhibition centre or for music festivals.
- m. The use of fireworks, helicopters and/or other comparable activities is prohibited to occur on this site at all times.
- n. Under no circumstances are patrons to enter another property. The Events Management Plan must include a requirement for patrons to remain on the site to avoid illegal trespass and any potential biosecurity incursions.

The written contract for each event is to include a provision to ensure the event manager is briefed on the importance of biosecurity in rural settings even if there is no obvious farming activity nearby.

3. **Maximum period of three years from the date of consent**

This consent only permits the temporary use to operate for a total period of three (3) years from the date of consent.

No events are to occur after three (3) years under this consent.

Note. A consent authority may reduce a consent period in granting development consent under the provisions of the Environmental Planning & Assessment Act 1979 under Section [4.53 Lapsing of consent](#) Subsection 4.53 (2).

4. **Trial period – twelve months**

NSW Police and Byron Shire Council shall review the hours of operation every twelve (12) months and will determine if the hours of operation are to be reviewed accordingly including compliance with the conditions of consent and consideration for any substantiated complaints made in the previous twelve (12) months.

5. **Substantiated complaints**

Chapter D9 of Byron Development Control Plan 2014 prescribes that a development consent would cease if three substantiated complaints were received in relation to functions and/ or events at the site within a twelve (12) month period.

A **substantiated complaint** means a complaint made in writing to Byron Shire Council that has been investigated by Byron Shire Council's Community Enforcement staff and formal compliance action is subsequently taken as a result of that investigation.

The twelve (12) month period referred to in this condition commences on the date of the event that triggers the complaint (not the date of the complaint or the date of formal enforcement action).

6. **Requirements for temporary structures**

The installation of temporary structures associated with the use of the property as a function centre must be in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in force at time of each event. Where compliance cannot be achieved, a separate approval shall be obtained for the temporary structures associated with the event. Temporary Structures must be compliant with the Building Code of Australia.

The temporary structures must:

- a) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- b) not result in damage to any protected tree growing on the land or on adjacent land,
- c) be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
- d) be able to resist loads determined in accordance with the following Australian and New Zealand Standards—
 - AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
- e) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out.

7. **Access and facilities for persons with disabilities are to be provided**

Access and facilities for persons with disabilities are to be provided in accordance with of Building Code of Australia and AS 1428 - Design for Access and Mobility.

8. **Solid and liquid waste management**

Receipts for the removal of solid and liquid waste must be made available to council on request.

9. **Food safety**
Food caterers must be registered to trade in the Byron Shire and have a certified Food Safety Officer. Food safety inspections may be conducted without prior notice by council.
10. **No native vegetation removal**
This development consent does not authorize any native vegetation to be cleared, pruned, lopped, removed or damaged in contravention of Byron Development Control Plan 2014 and Development Control Plan 2010 as applicable to the land.
11. **Access road - signage to be installed**
Clear and obvious signage is to be installed along the access road raising awareness of the potential occurrence of koalas and other native fauna.
12. **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 **Schedule 3** of this consent.
13. **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 NSW Rural Fire Service conditions provided in **Schedule 3** of this consent.

The following conditions are to be complied with prior to the first event operating on this site

14. **26 seat mini bus**
A signed contract from a bus operator must be submitted to Council prior to the commencement of the first event. The mini bus:
- be able to accommodate a maximum of twenty-six (26) adult guest excluding the driver;
 - be suitable for use on sealed and unsealed roads;
 - be registered and appropriately comprehensively insured for guest use including public liability;
 - be available on weekends only; and
 - contract duration for 3 years.
15. **Potable water supply management plan**
A NSW Health approved private water supply quality assurance program (or drinking water management system) must be approved to council. For further information refer to the following website <http://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf>
- If circumstances change for any event thereafter affecting the details approved under this condition of consent, Council Environmental Health is to be notified, via Council's development related advice process (fees apply) for the terms of this approval to be reassessed and reapproved.

16. **Events & emergency management plans**

A final events management plan must be provided to council for written approval. Consistent with the noise assessment, only one function can occur at any given time.

The plan must include the details as listed in points 1-7 of the advice received from Newton Denny Chappelle dated 01 April 2022 (Applicant reference 200204, Council ref #E2022/30639), the lighting plan from bump in to bump out.

The events management plan must not be inconsistent with Byron Shire Council's Temporary Use of Land Policy 2022 (Council ref #E2022/36576

The events management plan must include the noise management plan.

The revised event and emergency management plans must use a numbering system for easy reference.

The event management plan including a full list of contact persons and accompanying phone numbers is to include a detailed risk management assessment that identifies all likely sources of harm associated with the proposed activities, assigns relative risk categories to each hazard including but not limited to flood /fire and evacuation planning, and nominates appropriate actions to eliminate, isolate or mitigate each hazard, so as to protect individuals and the community. The Plan is also to nominate hours of operation, waste management procedures and clean-up, after event bump out inspection requirements and timing of operating hours.

Details of the number and location of rubbish receptacles together with the proposed means of bulk removal from the site will need to be provided for Council's consideration.

Details including name of the nominated Manager must be incorporated in the Plan as well as a complaints management process. The complaints management process must be a user friendly procedure for recording remedying complaints made by members of the public. Information on how to lodge a complaint must be clearly displayed by the Manager for the duration of the event.

The EMP must require patrons to remain within the vicinity of the approved development within site to avoid illegal trespass and any potential biosecurity incursions.

The EMP must contain a copy of this consent and require that all events operate in compliance with all conditions of consent. Provisions that require each event to comply with the conditions of consent must be detailed in the contract for each event including notification of NSW Police, Council and neighbours.

Fees apply for development related advice and plan reviews. If circumstances change for any event thereafter affecting the details approved under this condition of consent, Council Environmental Health is to be notified, via Council's development related advice process (fees apply) for the terms of this approval to be reassessed and reapproved.

17. **Food preparation**

Kitchens within existing fixed structures are not to be used for food preparation or food and equipment storage in association with functions (food includes drinks and liquor).

18. **Design and layout plans - food premises**

Detailed plans prepared by a suitably experienced person showing the design and layout of the premises to be used as a food business must be submitted to Council. The design details are to be drafted in accordance with relevant legislation and standards, including:

- a) Food Act 2003;

- b) Food Regulation 2015;
- c) Food Standards Code, Chapter 3.2.3;
- d) Relevant Australian Standards:
 - i. AS 4674 – 2004 Design, Construction and Fit-Out of Food Premises;
 - ii. AS 1668.1 & AS 1668.2 Mechanical Ventilation;
 - iii. Other relevant standards.
- e) The Building Code of Australia.

Such plans must be approved by Council's Environmental Health Department. Plans are to be submitted in duplicate and accompanied by fees as described in Council's adopted Fees and Charges.

Advisory note:

Application forms are available from Council's Environmental Health department. The following document [Food premises design, construction and fit-out guide](#) on Council's website can provide guidance about the design requirements of a food premises based on the Food Safety Standard 3.2.3 (Food Premises and Equipment) and the Australian Standard 4674-2004 (Design, construction and fit-out of food premises).

If circumstances change for any event thereafter affecting the details approved under this condition of consent, Council Environmental Health is to be notified, via Council's development related advice process (fees apply) for the terms of this approval to be reassessed and reapproved.

19. Notification – food business

In accordance with Section 100 of the Food Act 2003, the operator of the food business must submit a completed [Food Business Registration form](#) five (5) working days prior to trading. The notification must occur before the food business commences any food handling operations.

If circumstances change for any event thereafter affecting the details approved under this condition of consent, Council Environmental Health is to be notified, via Council's development related advice process (fees apply) for the terms of this approval to be reassessed and reapproved.

20. Council inspection required – food premises

The operator of the food premises shall obtain a satisfactory pre-operational inspection from Council's Environmental Health Officer prior to trading.

Advisory note:

Inspections by Council's Environmental Health Officers can be arranged during the fit-out stage and the final pre-operational inspection. Inspection fees are levied as per Council's adopted Fees and Charges. Note requests for a final inspection must be made with at least five (5) working days' notice.

If circumstances change for any event thereafter affecting the details approved under this condition of consent, Council Environmental Health is to be notified, via Council's development related advice process (fees apply) for the terms of this approval to be reassessed and reapproved.

The following conditions are to be complied with prior to each and every event operating on this site

21. Public safety requirements

The consent holder 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.

22. Traffic management plan

Consent from Council must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic during the event from the intersection of Hinterland Way and Pioneer Cres and along Pioneer Cres leading into the development access. The traffic management plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The report must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to the event.

The traffic management plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

23. Neighbours are to be notified prior to event

A written letter to be dropped in adjoining residential properties is to be completed no later than 7 days before bump in activities commence. The letter drop must include all properties within an 800 metre radius of the approved site at 36 Keys Road, Coorabell and include but not be limited to all residential receptors as identified in the approved LUCRA report (see condition 1). The letter drop must include all properties with a Keys Road address that share the access road with 36 Keys Road, Coorabell.

The written notice is to include details including name of the nominated Manager as well as a complaints management process. The complaints management process must be a user friendly procedure for recording, remedying complaints made by members of the public. Information on how to lodge a complaint must be clearly detailed in the letter.

24. Waste management plan

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.

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

25. Erosion and sediment measures

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the [Guidelines for Erosion & Sediment Control on Building Sites](#). This may include stockpiled materials such as sand, etc.

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).

26. Site location

The location of the temporary buildings must be within the approved location shown on plans referred to in condition 1 of this consent.

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

27. 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.

28. 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.

29. Signs to be erected on building sites

A sign must be erected in a prominent position on the work site:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

30. **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.

31. **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.

32. **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.

33. **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 during each event

34. **Traffic management plan**

An approved traffic management plan is to be implemented and maintained through the event.

35. **Parking, drop-off & pick-up**

- All parking and vehicular drop-off including mini-bus, taxi, Uber & other mode of transportation to for the event shall be conducted within the development site only;
- No drop-off & pick-up permitted outside the development site; and

- All vehicles must enter and exit the development access in a forward direction.

The following conditions are to be complied with after every event

36. Traffic management plan monitoring

The applicant shall implement a monitoring program in order to provide a submission report to Council after every event starting the first event. The monitoring program is to report on the adequacy of the following and recommend improvements for subsequent events:

- Traffic Management;
- Traffic Control Plan;
- Car parking arrangements;
- Mini bus pick up and drop off arrangements;
- Patron Numbers; and
- Any other issue of relevance to event traffic management

The following conditions are to be complied with prior to occupation of any temporary structures

37. 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 for the temporary change of use and temporary structures.

38. 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.

39. 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 during each event

40. Traffic management plan

An approved traffic management plan is to be implemented and maintained through the event.

41. Parking, drop-off & pick-up

- All parking and vehicular drop-off including mini-bus, taxi, Uber & other mode of transportation to for the event shall be conducted within the development site only;
- No drop-off & pick-up permitted outside the development site; and
- All vehicles must enter and exit the development access in a forward direction.

The following conditions are to be complied with after every event

42. **Traffic management plan monitoring**

The applicant shall implement a monitoring program in order to provide a submission report to Council after every event starting the first event. The monitoring program is to report on the adequacy of the following and recommend improvements for subsequent events:

- Traffic Management;
- Traffic Control Plan;
- Car parking arrangements;
- Mini bus pick up and drop off arrangements;
- Patron Numbers; and
- Any other issue of relevance to event traffic management

The following conditions are to be complied with at all times

43. **Approved temporary use**

The approved temporary use must be in accordance with Byron Local Environmental Plan 2014 Clause 6.11 Temporary use of land in Zone RU2 for purpose of function centre.

In this consent, **function centre** means a place used for the holding of events, functions, and the like but is not approved for the purpose of a convention centre, exhibition centre entertainment facility or for music festivals.

44. **Function guests not to stay in existing dwelling / on-site managers residence**

The existing dwelling house on the site is approved under previous consent for the purposes of an on-site manager's residence and is not permitted to be used as tourist or visitor accommodation for overnight guests.

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.

Caterers must remove all waste and recycling from each event.

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.

47. **Rain water supply**

All rain water supply tanks are required to divert water from the first rainfall using a first flush or bypass device. All rainwater tank overflows must be diverted away from on-site sewage management systems.

48. **On-site sewage management**

Toilets within accommodation buildings and house are for the use of dwelling occupants and guests only.

Accessible Portaloo toilets must be available at all functions.

49. **Noise management**

Amplified music is to cease by 10pm and all attendees must vacate the premises by 11pm. The type of entertainment permitted shall be restricted to acoustic soloists & duos and/or low background amplified music only.

50. **No native vegetation removal**

This development consent does not authorize any native vegetation to be cleared, pruned, lopped, removed or damaged in contravention of Byron Development Control Plan 2014 and Development Control Plan 2010 as applicable to the land.

51. **Access road - signage to be installed**

Clear and obvious signage is to be installed along the access road raising awareness of the potential occurrence of koalas and other native fauna.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Condition relating to maximum capacity signage

Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. NSW RURAL FIRE SERVICE CONDITIONS

Where the RFS specify an action to be undertaken prior to issue of a construction certificate, in these particular circumstances, this is to occur prior to the first event being undertaken on the site.



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-21804) 10.2021.212.1
Our reference: DA20210510001868-Original-1

ATTENTION: Patricia Docherty

Date: Wednesday 2 June 2021

Dear Sir/Madam,

Development Application
s4.14 – Other – Function Centre
36 Keys Road COORABELL NSW 2479, 7//DP1091198

I refer to your correspondence dated 06/05/2021 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

General Conditions

1. A Bushfire Management Plan (BMP) is to be prepared, by a suitably qualified individual, in accordance with the requirements of Appendix 2.6 of 'Planning for Bush Fire Protection 2019' prior to the release of the Construction Certificate as noted below. The BMP must also include all current bushfire protection measures associated with development consent(s) with bushfire related conditions to ensure the BMP addresses all structures including the proposed use.
 - APZ location and management details;
 - Landscaping requirements including indicative design layout and vegetation density thresholds;
 - Access provisions such as locations, passing bays and alternate emergency access;
 - Water supplies and bush fire suppression systems (including drenching systems, static water supply, natural water sources etc.);
 - Schedule of the BAL requirements and building footprints as well as any specific construction details (i.e. bush fire shutter operating instructions);
 - Details regarding the Bush Fire Emergency Management and Evacuation Plan; and
 - Any other essential bush fire safety requirements.
2. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of 'Planning for Bush Fire Protection 2019' and additional items as follows:
 - a. the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;

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

- b. Australian Standard AS 3745:2010 Planning for emergencies in facilities;
- c. detailed plans of all Emergency Assembly Areas (onsite and offsite); and
- d. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Access - Internal Roads

Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

3. Access road extensions for the 'bus turn arounds' must comply with general requirements of Table 6.8b of Planning for Bush Fire Protection 2019.

Water and Utility Services

Intent of measures: 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.

4. The provision of water services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a. a 20,000-litre minimum static water supply for firefighting purposes is provided within 60 metres of the staging area where no reticulated water is available. Noting the existing tanks can be used for this purpose;
- b. all above-ground water service pipes external to the building are metal, including and up to any taps.
- c. where static water supplies are provided:
 - i. a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
 - ii. a connection of a 65mm Storz fitting with a ball valve fitted to the outlet of the tank;
 - iii. the ball valve and pipes have the same bore size as the Storz fitting, to ensure flow volume, and are metal;
 - iv. underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
 - v. a hardened ground surface for truck access is supplied within 4m of the access hole;
 - vi. above-ground tanks are manufactured from concrete or metal;
 - vii. raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);
 - viii. unobstructed access is provided at all times;
 - ix. tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
 - x. underground tanks are clearly marked;
 - xi. all exposed water pipes external to the building are metal, including any fittings;
 - xii. a pump is provided, a minimum 5hp or 3kW petrol or diesel-powered pump, and is shielded against bush fire attack;
 - xiii. a hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and
 - xiv. fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.

5. The provision of electrical services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a. where practicable, electrical transmission lines are underground;
- b. where overhead, electrical transmission lines are proposed as follow:
 - 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.

6. The provision of gas services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a. 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;
- b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- c. connections to and from gas cylinders are metal;
- d. if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
- e. polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
- f. above-ground gas service pipes external to the building are metal, including and up to any outlets.

General Advice – Consent Authority to Note

The recommendations are based on the documents supplied via Councils referral to the NSW RFS including:

- The plan titled 'Plan 3: Site Layout (detail)' prepared by Newton Denny Chapelle, reference 200204, revision D dated 17 February 2021.
- The bush fire assessment prepared by Bushfire Certifiers, reference 20/261 dated 19 December 2020 (amended).

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

For any queries regarding this correspondence, please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely,

Alan Bawden

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

SCHEDULE 4. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development complies with the provisions of Byron Local Environmental Plan 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 2000 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.
The proposed development is unlikely to prejudice or compromise the public interest.

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

SCHEDULE 5. NOTES

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.

Enclosed public places (smoke-free environment)

Environment Act 2000 and the Smoke-Free Environment Regulation 2000 and the guidelines in the Regulation for determining what an enclosed public place is. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

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

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).