

SCHEDULE 1. DEFERRED COMMENCEMENT CONDITIONS PURSUANT TO SECTION 4.16(3)

The following condition concerns matters as to which the Council must be satisfied before the consent can be issued:

1. Deferred Commencement Consent

This consent does not operate until Council is satisfied as to the following matter:

(a) Building information Certificate

A Building Information Certificate is required to be issued by Council for the Staff Amenities Building. Prior to issue of the Building Information Certificate the applicant is to demonstrate to Councils satisfaction with evidence in the form of detailed report/s from suitably qualified and experienced professionals the constructed works satisfies

- i. Certification from a licence plumber certifying the internal sanitary plumbing, drainage and water supply works satisfy Section B (Water Services) and Section C (Sanitary Plumbing and Drainage Services) of the Plumbing Code of Australia and
- ii. The following Performance Requirements of the Building Code of Australia (2019) Section B, C, D, E & F.
- iii. Any recommended works identified in this report/s or identified by Council must be completed prior to issue of the Building Information Certificate.

(b) Essential Energy Safety Requirements

The existing shed under the powerlines (noted to be removed on plans) must be removed in accordance with Essential Energy safety requirements.

Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines / Underground Assets.

Evidence is required to be submitted of compliance with the above condition, sufficient to satisfy the Council as to those matters. If satisfactory evidence is produced in accordance with this requirement, the Council will give written notice to the applicant of the date from which this consent commences operation.

If Council has not notified the applicant within a period of 28 days after the applicant’s evidence is produced to it, the Council is, for the purposes only of Section 97 of the Environmental Planning and Assessment Act 1979, taken to have notified the applicant that Council is not satisfied as to those matters on the date on which that 28-day period expires.

SCHEDULE 2. CONDITIONS OF CONSENT

Upon satisfaction of the deferred commencement conditions, the following conditions apply:

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
DA 1.01	C	Context Plan	Venu Design Group	24.08.22
DA 1.10	C	Site Management Zones	Venu Design Group	24.08.22
DA 1.11	C	Site Plan & Aerial Imagery	Venu Design Group	24.08.22
DA 1.12	C	Site Plan Detail	Venu Design Group	24.08.22
DA 1.13	D	Site Staging Plan	Venu Design Group	15.09.22
DA 1.20	B	Café Site Roof & Landscaping Plan	Venu Design Group	20.04.22
DA 1.21	A	Café Plan	Venu Design Group	10.04.20
DA 1.22	A	Café Elevations 01	Venu Design Group	10.04.20
DA 1.23	A	Café Elevations & Section	Venu Design Group	10.04.20
DA 1.31	A	Cabin Type A	Venu Design Group	10.04.20
DA 1.32	A	Cabin Type B	Venu Design Group	10.04.20
DA 1.39	A	Window Schedule	Venu Design Group	10.04.20
DA 1.40	A	Pool Details	Venu Design Group	10.04.20
RFI 1.01	A	Existing Farm Building	Venu Design Group	08.09.22
	E	Illustration: Vegetation Management Plan	Balanced Systems Planning Consultants	August 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. **Payment of security deposits (if applicable)**

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Security deposit	\$ 10,000
Inspection fee	\$180

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

3. **Essential Energy Requirements**

Essential Energy's records indicate that there is existing overhead powerlines and associated infrastructure impacted by the proposal:

- a. The further proposed plans provided show the new structures clear of the powerlines by the required clearance distances.
- b. Minimum safety clearance requirements are to be maintained at all times for the access roads, as such roads pass under Essential Energy's existing overhead powerlines located on the property. The roads must comply with clearances for trafficable roadways, ground clearances must be maintained. If ground clearances are compromised, the landowner/developer will be required to increase the height of the overhead powerlines, at their cost.
- c. Poles and stays must remain clear of any obstruction (such as vegetation, structures, etc) by at least 5.0 metres.
- d. Any excavation works in this area or works on the access roads must comply with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
- e. Any proposed landscaping or tree planting in this area must comply with as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Vegetation within the clearance zones of the powerlines must be limited to a mature height of 3.0 metres and any climbable portion of any vegetation must not be higher than 2.5 metres.
- f. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all proposed new structures in accordance with *NSW Service and Installation Rules*. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

4. **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.

5. 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.

6. Integrated Approvals from other State Government Approval Bodies

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being an authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes], and is subject to the General Terms of Approval from the Rural Fire Service dated 25 August 2022 contained in **Schedule 4** of this Notice of Determination.

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. Vegetation Management Plan to be Prepared (Stage 1)

Prior to the issue of a Construction Certificate for Stage 1, a Vegetation Management Plan (VMP) must be prepared by a qualified ecologist with experience in ecological restoration in the northern rivers and approved by Council. The VMP must detail ecological restoration and maintenance works to restore and maintain the biodiversity values of the site, including a minimum of 5,400 native tree plantings or equivalent ecological restoration in accordance

with Section D3.3.4 of the Byron Shire Development Control Plan 2014.

The VMP is to be generally in accordance with the submitted plan titled *Lot 2 DP 869145 911 Binna Burra Road Federal – Rural Tourist Cabins – Illustration: Vegetation Management Plan, Version E* dated August 2022. The VMP must focus on restoring riparian areas of the site including Stony Creek that runs along the southern boundary and the drainage line that runs generally north-south to the east of the development area.

There is to be no overlap between the Environmental Management Zones set out in the VMP and any approved bush fire Asset Protection Zones.

The VMP must be in accordance with the *Guidelines for preparing Vegetation Management Plans (VMP) or Biodiversity Conservation Management Plans (BCMP)* available on Council's website. The VMP must include, but may not be limited to:

- a. A review of the landscape context of the site to inform the proposed ecological restoration methodology. This should include an assessment of the distribution of native vegetation communities, threatened species and ecological communities known or likely to occur, and habitat connectivity across the broader landscape.
- b. An assessment of the existing ecological condition and values of the site to inform the proposed ecological restoration methodology.
- c. Identification of representative plant community types (PCTs) to be restored and managed, restoration methodologies, and implementation schedules.
- d. An ecological restoration methodology that aims to enhance and supplement the existing biodiversity values of the site and broader landscape, including by increasing habitat area and connectivity for threatened species and ecological communities known or likely to occur in the locality.
- e. An implementation schedule that details the timing of management actions over the course of the restoration program. This must include a definition of "primary works" as being the first treatment of weeds onsite and the first stage of plantings.
- f. A list of performance indicators for each year of the program to provide a means of measuring the progress of restoration and management works.
- g. Details of reporting and monitoring to be carried out, including the frequency of monitoring reports and the location of photo points.

9. **Completion of primary Vegetation Management Plan works (Stage 2)**

Prior to the issue of a Construction Certificate for Stage 2, a monitoring report from a qualified and experienced ecologist and/or bush regenerator to demonstrate that primary works as defined within the approved Vegetation Management Plan (VMP) for the site have been completed must be submitted and approved by Council.

10. **Geotechnical Report required – Building Works**

A certificate from a professional Engineer experienced in Geotechnical Science is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate must be prepared in accordance with AS 1726.

11. **Geotechnical Report required – Engineering Works**

A certificate from a professional Engineer experienced in soil mechanics is to be provided to the Principal Certifying Authority, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate,
- b) the civil engineering works will not be affected by landslide or subsidence either above or below the works; and
- c) adequate drainage has been provided.

12. **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".

13. **Stormwater Drainage – Infiltration Trench**

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 by a gravity system to an infiltration trench or trenches complying with the requirements of Council's *Comprehensive Guidelines for Stormwater Management*.

The infiltration trench or trenches must be designed by a qualified practising Civil Engineer to fully infiltrate the 20 year ARI runoff from all impervious areas of the proposed development for all storm durations without surcharge onto neighbouring properties. 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.

14. **Road Widening**

The location of the existing road formation and fences in relation to the property boundaries are to be shown on a survey plan to be submitted to Council. The section of encroachments due to the provision of the roundabout onto the property are to be dedicated as "Road Widening" at no cost to Council.

15. **Consent required for works within the road reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Roundabout

A four-way single lane roundabout at the intersection of Binna Burra Rd/ Federal Drive and the Development Access in accordance with AustRoads Part 6 - Roundabouts. The design is to address siting, signs, line marking, parking restrictions and night-time visibility. The design must be generally consistent with the endorsed Federal Main Street Concept Design and

Footpath	<p>a Road Safety Audit.</p> <p>The existing footpath located in front of Building E & F in Drawing DA1.01 Rev C dated 24.08.22 by Venu Design Group shall be extended to connect onto the pedestrian and mobility plan on-site. Provision of a 2.5m wide concrete footpath in accordance with council's standard and AS2890 to cater for pedestrians with access disabilities</p>
Pedestrian refuge	<p>A pedestrian refuge adjacent to Building A & F in Drawing DA1.01 Rev C dated 24.08.22 by Venu Design Group on Federal Drive and across the northern leg of the intersection in Binna Burra Rd. The pedestrian refuge is to be designed in accordance with Australian Standard 1742.10 – Manual of Uniform Traffic Controls – Pedestrian Control and Protection and Traffic Authority of New South Wales Guidelines for Traffic Facilities, Part 4.2 – Pedestrian Refuges. The design is to address siting, signs, line marking, parking restrictions and night-time visibility</p>
Footpath embellishment Adjustment of Services	<p>Grading, trimming, topsoiling and turfing of the unpaved footpath area</p> <p>Footpath works are to include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities and to ensure that the services are constructed flush with the finished surface levels</p>

16. **Public Safety Management Plan required**

Prior to issue of the construction certificate, consent from Council must be obtained for a Public Safety Management Plan for those works within the road reserve pursuant to Section 138 of the Roads Act 1993. This public safety management plan is to include provision for (but not be limited to):

- a) a pedestrian barrier, alternative footpaths and ramps as necessary;
- b) an awning sufficient to prevent any substance from, or in connection with, the work falling into the road reserve;
- c) lighting of the alternative footpath between sunset and sunrise;
- d) the loading and unloading of building materials;
- e) parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contain within the vehicle;
- f) Removal of any such hoarding, fence or awning as soon as the particular work has been completed.

The temporary use of Council land/road reserve to enable construction work or an event is subject to fees in accordance with Council's adopted fees and charges. The use fee must be paid upfront prior to use and will generally be required to be paid prior to issue of the Council's consent for such use.

17. **Traffic Management Plan (TMP)**

Prior to issue of the construction certificate, consent from Council must be obtained for a Traffic Management Plan (TMP) pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The TMP is to be designed in accordance with the requirements of the current version of the Transport for NSW *Traffic*

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 construction on the site or adjacent to the site.

The TMP and associated traffic guidance scheme/s must be prepared by a suitably qualified Transport for NSW accredited person.

18. Car parking layout, vehicle circulation and 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) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 15 metres;
- f) drainage details;
- g) turning paths; and
- h) 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".

19. Fibre-ready Facilities and Telecommunications Infrastructure

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

1. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
2. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

20. **On-site sewage management system (OAMA) Acknowledgement of works**
An acknowledgement of works application is required for the OSMS servicing the shed alterations and additions undertaken without approval. This shed is the proposed store and staff lunch room (Stage 1).
For information on submitting an acknowledgment of works please refer to this link [OSMS Acknowledgement of Works - Fact sheet - Byron Shire Council \(nsw.gov.au\)](#)
3. **Potable Water Supply Management Plan**
Prior to the issue of a Construction Certificate provided to the Principle Certifying Authority a Quality assurance program (or drinking water management system).. For further information refer to the following website
<http://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf> The QAP must be prepared by a suitable qualified professional.
4. **On-site sewage management system Section 68 approval required**
An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal for the restaurant, existing residence to become managers residence and tourist accommodation residence must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent.
Note: a separate application and separate report is required for each system proposed.
- Biological filter Systems (also known as [wet composting systems by NSW Health](#) will not be approved in association with waste water management for the restaurant.
- The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.
- All stormwater discharges from hard stand areas and rainwater tanks must be diverted away from onsite sewage management system land application areas.
5. **Trade Waste – Grease traps**
Grease traps must be installed as part of the wastewater management system supporting the restaurant.
- Food waste and food waste disposal units are not permitted within the waste stream.
- Wet compost toilet systems or biological filter systems are not permitted in association with the restaurant.
- Sink and floor waste bucket traps and strainers are required in the restaurant.
- The restaurant is required to have a cleaners sink, located inside undercover and separate from food preparation and storage areas.
- The grease traps must be sized based on Sydney water guidelines and approved grease traps.
References:
[Listed pre-treatment for food businesses \(sydneywater.com.au\)](#)
6. **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 for approval (fees apply). 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.

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).

7. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 109863M_02, dated 01 September 2020.

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.

21. Solar power

A Photo Voltaic solar system is to be installed to provide sufficient power for daytime operation of the café restaurant and cabins, Such plans and specifications must be approved as part of the Construction Certificate.

8. Section 7.12 Levy to be paid

The levy will be calculated as follows:

Levy payable = %C x \$C

- %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 7.17.
- \$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
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Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development must be calculated in accordance with clause 25J of the Regulation. The Cost Summary Report (copy attached) as set out in schedule 2 of the Section 7.12 contributions plan must be submitted to Council with the payment. The cost summary report must be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from Council's website.

9. 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.

10. Onsite Effluent Waste Water systems (Rural Swimming Pools)

The owner is responsible to ensure works do not conflict with the Onsite Waste Water System (Sewage Management Facility).

Details to be submitted with the Construction Certificate to demonstrate there is no conflict with both the disposal areas, plumbing and treatment/ storage/ septic tanks.

Where required, a S68 Application is to be submitted to Council to relocate any system prior to the issue of the Construction Certificate.

11. Details of pool fence required

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pool in accordance with the Swimming Pools Act 1992 and AS1926.1.

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

12. 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.

13. Site Waste Minimisation and Management Plan

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

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

14. Site Waste Minimisation & Management Plan (SWMMP) Details

A detailed Site Waste Minimisation & Management Plan (SWMMP) is to be provided and must be to the satisfaction of Byron Shire Council's Resource Recovery Operations Team. The SWMMP must include full details of:

- a. Waste generation, management, recycling, storage and disposal measures including management of organics / food waste, recyclables and other waste streams.
- b. Waste management at all stages including construction and ongoing operation and use of the development.
- c. Service provision including waste collection contractor, size and number of bins, collection vehicle type and frequency of collection service for all operational waste streams.

15. Tree Removal

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

16. 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 existing 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.

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

17. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

18. **Erosion and Sediment measures**

Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at [Guidelines for Erosion and Sediment Control on Building Sites](#). Particular attention is to be given to the provision of the following sediment and erosion control measures:

- a. Temporary driveway from the edge of road to the building site;
- b. Temporary downpipes immediately installed after the roof has been erected;
- c. Silt fence or sediment barrier.

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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

19. **Site Location**

The location of the building, on-site sewage management and other construction on the site to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries and powerlines.

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

20. **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.

21. **Construction Noise**

Construction noise is to be limited as follows:

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

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

22. **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.
23. **Stormwater drainage work**
Stormwater drainage for the development must be constructed in accordance with the approved plans and specification by a suitably qualified person.
24. **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.
25. **Signs to be erected on building and demolition sites**
A sign must be erected in a prominent position on the work site:
- a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- Any such sign is to be removed when the work has been completed.
26. **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.
27. **Fill to be retained on the subject land**
Fill material must not encroach onto any adjoining land.
28. **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:
- a. Internal drainage prior to covering of the works.
 - b. External drainage prior to the covering of works.
 - c. Irrigation installation prior to the covering of works.
 - d. Final
29. **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.**
30. **Removal of asbestos**
All asbestos wastes associated with removal of the existing building to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met.

Please note the Byron Resource Recovery Centre cannot accept asbestos. You will need to arrange disposal at an alternate landfill site.

31. **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.

32. **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.

33. **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.

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

35. **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](#).

36. **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 colours are not permissible.

37. **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.

38. Aboriginal Relics

If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:

- a. immediately cease works;
- b. notify the NSW National Parks and Wildlife Service (NPWS);
- c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

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

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

39. 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.

40. Section 88B Instrument (Stage 2)

A Section 88B Instrument and one (1) copy are to be submitted with the application for an occupation certificate for Stage 2. The Section 88B Instrument is to provide for:

a) Easement of conservation

A restriction must be applied to the entirety of the areas subject to ecological restoration works in accordance with the approved VMP. The restriction on user must prohibit, except as otherwise permissible by law, all of the following within the area covered by the restriction on user:

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

The s88B Instrument must contain a provision identifying Byron Shire Council as the only person or authority having the power to revoke, vary or modify the restriction on user.

41. **Screen planting and landscaping**
Screen planting amongst cabins and along Binna Burra Road where they provide a buffer to residential dwellings is to be planted and maintained.
42. **Roadworks, access and parking areas to be completed**
The roadworks, access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.
43. **Infiltration System – Certification of works**
All stormwater drainage works, including infiltration system works, for the development must be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate. Certificate/s of Compliance for the stormwater works must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.
44. **Construction - Food Premises**
Prior to the issue of the occupation certificate the food premises must be constructed in accordance with design and layout plans approved by Council.
- Advisory note:**
Requirements of Food Standard Code 3.2.3 and Australian Standard AS4674 – 2004 “Design, construction and fit-out of food premises” to be considered to achieve the necessary construction standards for the food business.
45. **Trade Waste**
An approved trade waste device shall be installed, inspected by Council and maintained to ensure that all relevant environment protection and plumbing code standards are satisfied.
46. **Exhaust System**
On completion of the kitchen exhaust-hood installation, provide a certificate and system specifications detailing the air flow velocity readings to Council. The certificate should be completed by a suitably qualified professional and shall ensure that the installation satisfies AS1668.2 “Mechanical ventilation for acceptable indoor-air quality”.
47. **Airlock**
An airlock shall be constructed between the toilet facilities and internal workspaces to prevent the transfer of contaminants into the food business and comply with the Building Code of Australia.
48. **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.
49. **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>.
50. **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.

51. 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.

52. Swimming pool fencing

Swimming pool fencing is to comply with the requirements of the Swimming Pools Act 1992 and Regulations.

53. 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.

54. Site Location Survey

A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

The following conditions are to be complied with prior to commencing operations

55. 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.

56. 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.

The following conditions are to be complied with at all times

57. Approved Use

The proposed development is approved for Stage 1: Café or restaurant and Stage 2: 6 one bedroom rural tourist cabins.

Note.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note—

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.
and

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
 - (b) bed and breakfast accommodation,
 - (c) farm stay accommodation,
 - (d) hotel or motel accommodation,
 - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
 - (g) caravan parks, or
 - (h) eco-tourist facilities.

58. **No native vegetation removal**

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

59. **Replanting and restoration works**

Replanting and restoration works must be undertaken and continued until the performance criteria have been achieved in accordance with the approved Vegetation Management Plan for a minimum period of five years, during which annual monitoring reports must be submitted to Council for approval.

60. **Native vegetation is not permitted to be cleared under Schedule 5A and/or Division 5 of the Local Land Services Act 2013**

Clearing of native vegetation that would be authorised under Schedule 5A and Division 5 of the *Local Land Services Act 2013* (LLS Act) is not permitted to be carried out without development consent under part 4 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the Objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 1.3(e) of that Act the purpose of this condition is “to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats”.

Section 60Q(2) of the LLS Act provides that “Schedule 5A does not permit clearing or any other activity—

- a. without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or
- b. in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.”

Similarly, Section 60S(4) of the LLS Act provides that “A land management (native vegetation) code does not permit clearing or any other activity—

- a. Without an approval or other authority required by or under another Act or another Part of this Act, or
- b. In contravention of any provision of or made under another Act or another Part of this Act”

As this condition is imposed under section 4.17 of the EP&A Act, sections 60Q and 60S of the LLS Act apply and the clearing of native vegetation under Schedule 5A and Division 5 of the LLS Act is not permitted.

61. **Window screening**

To minimize the risk of bird strikes, measures to prevent the reflection of sky and adjacent vegetation on windows must be retained in perpetuity.

62. **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.

Garbage bins must be stored in an appropriate deigned enclosure and screened from public view including from areas accessible t to patrons within the site.

63. **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.

64. **Rain Water Supply**

All rain water supply tanks are required to divert water from the first rainfall using a first flush or bypass device.

65. **Potable Water Supply Testing and Reporting**

The potable water supply must be maintained in accordance with the requirements of NSW Health’s Private Water Supply Guidelines (2016) including annual water quality testing by a NATA accredited laboratory. Results must be kept on site and provided to Council on request.

66. **Trade Waste**

All trade waste pre-treatment devices shall be serviced and maintained in accordance with the approval to install and operate to ensure that all relevant environment protection standards are satisfied.

67. **Operating Hours**

The café / restaurant is permitted to operate between the hours of 7am and 6pm only. Deliveries and waste collection must be conducted during normal business hours of 9am –

5pm.

Any change to these hours is subject to separate consent of Council.

68. **Maximum Patrons – Café Restaurant**

The café / restaurant is permitted to accommodate a maximum of 60 seated patrons only at any one time including any outdoor garden seating. No standing patrons permissible.

Any change to patron numbers is subject to separate consent of Council.

69. **Music**

Amplified or live music is not permitted at the restaurant.

Any change to the limitation of amplified or live music is subject to separate consent of Council.

70. **Lighting**

Any outdoor lighting must be designed, located and shielded so that any light spill light onto adjoining public or private land is minimise. Lighting must be directed towards the ground and motion activated lighting is required where safety requirements permit.

Illuminated advertising signs are not permitted.

No signage is proposed or approved as part of this development.

Any change to lighting and signage is subject to separate consent of Council.

71. **On site manager at all times**

The entire development is to be managed and operated by the principal owner living on the property within the existing dwelling house on the site.

72. **Pool Safety Sign**

The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation.

A pool resuscitation sign is to be installed in a conspicuous location within the pool area to the satisfaction of the Principle Certifying Authority.

73. **Pool backwash in rural areas**

Pool water disposal and backwash is to be directed to a soakage trench located in such a location as to not cause any nuisance to adjoining properties or damage to any structures.

74. **Swimming pool pump location**

The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining residents. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation.

75. **Swimming Pool Fencing**

Swimming pool fencing is to comply with the requirements of the Swimming Pool Act 1992

and Regulations at all times.

76. Swimming pool public health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Public Health Act and regulations.

The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times.

Reference <https://www.health.nsw.gov.au/environment/Pages/swimming-pool-and-spa-advisory-doc.aspx>

SCHEDULE 3. 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 <http://www.legislation.nsw.gov.au/-/view/regulation/2000/557/part6/div9>

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 4. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-12895) 10.2020.483.1
Our reference: DA20201006003643-CL55-1

ATTENTION: Patricia Docherty

Date: Thursday 25 August 2022

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Other Tourist Accommodation
911 BINNA BURRA ROAD FEDERAL NSW 2480, 2//DP869145

I refer to your correspondence dated 06/07/2022 seeking general terms of approval for the above Integrated Development Application.

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.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of development in the respective stages, and in perpetuity to ensure ongoing protection from the impact of bush fires, the following areas of the site must be managed as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

Stage 1 - around the cafe building, carpark and manager's residence to the:

- north to the property boundary;
- east for 38 metres;
- south for 47 metres; and
- west for 40 metres.

Stage 2 - around the cabins and maintenance shed to the:

- north of Cabins 2 and 3 for 38 metres (or to the property boundary, whichever is less);
- east of the Cabins for 38 metres;
- south of the Cabins for 47 metres; and

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

- west of Cabins 1 and 6 and the Maintenance Facility for 40 metres.

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 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres;
- 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.

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:

2. New construction must comply with Sections 3 and 5 (BAL 12.5) of Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' or the relevant BAL 12.5 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 12.5 in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

3. The existing dwelling (manager's residence) must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. The internal access road must comply with the following requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- access roads are two-wheel drive, all-weather roads;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- a turning area is provided in the vicinity of the south-eastern car park in accordance with Appendix 3;
- the capacity of road surfaces is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- there is access for a Category 1 fire appliance to within 4 metres of the static water supply;
- minimum 5.5 metre carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- curves of roads have a minimum inner radius of 6 metres;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.

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:

5. The provision of water, electricity and gas must comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- an 80,000 litre static water supply must be provided on site (minimum 20,000 litres in Stage 1);
- all above-ground water service pipes external to the buildings are metal, including any fittings;
- a connection for firefighting purposes is located within the IPA or non-hazard side and away from any structure;
- a 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
- a hardened ground surface for truck access is supplied within 4 metres;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non combustible material or - bush fire-resisting timber (see Appendix F of AS 3959);
- unobstructed access can be provided at all times;
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
- underground tanks are clearly marked;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;
- any hose and reel for firefighting connected to the pump shall be 19mm internal diameter;
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are installed with: short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and no part of a tree closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines;
- 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;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. A Bush Fire Emergency Management and Evacuation Plan must be prepared prior to occupation and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: 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 occupation of the development and be available for the information of guests staying in the accommodation cabins.

General Advice - Consent Authority to Note

The Bush Fire Safety Authority has considered the referred documents identified below;

- The plan titled 'Site Plan Detail', prepared by Venu Design Group, job number 1818, drawing number DA.1.12, revision C dated 24 August 2022.

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 24/11/2020.

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

Yours sincerely,

Ivan Perkins
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Other Tourist Accommodation

911 BINNA BURRA ROAD FEDERAL NSW 2480, 2//DP869145

RFS Reference: DA20201006003643-CL55-1

Your Reference: (CNR-12895) 10.2020.483.1

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 DA20201006003643-Original-1 issued on 24/11/2020 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Ivan Perkins

**Manager Planning & Environment Services
Built & Natural Environment**

Thursday 25 August 2022

SCHEDULE 5. 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 6. NOTES

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Principal Certifying Authority:

Work must not commence until the applicant has:-

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. 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'.
- c. 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.

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).

Essential Energy General Comments

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is overhead electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines / Underground Assets*.