

MODIFIED CONDITIONS OF CONSENT for DA 10.2018.480.1

Delete the following condition/s:

6. **Bushfire safety measures**

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, 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 and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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:

2. Any new water, electricity and gas supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'

Design and Construction

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

3. The existing building on proposed Lot 1 is required to be upgraded to improve ember protection. This is to be achieved 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.
4. New construction shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

Landscaping

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

7. **Engineering Construction Plans Required**

Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application demonstrating compliance with Council's standards for the required engineering works. Each set of drawings is to be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will comprise the certificate and checklists set out in Annexure DQS-A of the Northern Rivers Development and Design Manuals. The information shown on the drawings shall be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Development and Design Manuals. The drawings are to provide for the following works:

a. Service Conduits

Service conduits are required to each of the proposed new allotments laid in strict accordance with the Service Authorities' requirements.

b. Stormwater Drainage

Stormwater drainage connections in accordance with the approved Concept Stormwater Management Plan.

61. **Additional Carparking Space for Lot 1**

An additional carparking space is to be provided on Strata Lot 1 adjacent to the existing parking space on the property. This space is to be sealed.

Insert the following condition/s in appropriate order:

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 27 November 2020 contained in **Schedule 2A** of this Notice of Determination.

7. **Engineering Construction Plans Required**

Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application demonstrating compliance with Council's standards for the required engineering works. Each set of drawings is to be accompanied by a Certification Report which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The Certification Report will comprise the certificate and checklists set out in Annexure DQS-A of the Northern Rivers Development and Design Manuals. The information shown on the drawings shall be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Development and Design Manuals. The drawings are to provide for the following works:

a. Service Conduits. Service conduits are required to each of the proposed new allotments laid in strict accordance with the Service Authorities' requirements.

b. Stormwater Drainage. Stormwater drainage connections in accordance with

- the approved Concept Stormwater Management Plan.
- c. Driveways. A driveway(s) in accordance with Council's current Northern Rivers Local Government Development Design Manual, Construction Manuals and Standard Drawings.

7A. Amended Strata Plan Required

The proposed strata boundaries of the Plan of Draft Strata with Plan number 3553a/1 prepared by Canty Surveyor must be amended to accommodate a minimum 3.0m wide circulation roadway carriageway in accordance with AS2890.

The width of the circulation roadway shall include the clearances specified in Figure 2.8 of AS2890.1:2004. The circulation roadway and driveway servicing the propose strata Lot 2 must be contained within the reciprocal Rights of Carriageway and strata boundaries of the development.

61. Additional Carparking Space for Lot 1 and driveway(s)

An additional carparking space is to be provided on Strata Lot 1 adjacent to the existing parking space on the property. This space is to be sealed. Driveways servicing Strata Lot 1 and Lot 2 are to be completed in accordance with the approved plans.

Insert the following schedule in appropriate order:

SCHEDULE 2A INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (none)
Our reference: DA-2018-03811-S4.55-1

ATTENTION: See letter
ATTENTION:

Date: Friday 27 November 2020

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Strata Title Subdivision
8 Cemetery Road Byron Bay NSW 2481, 21//DP838192

I refer to your correspondence dated 07/09/2020 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

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

General Conditions

1. The development proposal is to comply with the following:

- subdivision layout identified on the drawing prepared by Canty's Surveyors, referenced 3553a/1, dated 31st August, 2018;
- drawing titled 'Dual Occupancy Site Plan' prepared by Claudia Bernardazzi Design, revision 3 and dated 17th June, 2018 and
- drawing titled 'Existing Carport Plan' prepared by Ardill Payne, dated Aug 2020.

Asset Protection Zones

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

2. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner

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Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
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protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Construction Standards

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

3. The existing building on proposed Lot 1 is required to be upgraded to improve ember protection. This is to be achieved 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

4. New construction shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

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. Any new water, electricity and gas supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

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

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

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Planning and Environment Services





NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Strata Title Subdivision
8 Cemetery Road Byron Bay NSW 2481, 21//DP838192
RFS Reference: DA-2018-03811-S4.55-1

Your Reference: (none)

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 (none) issued on 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.

Timothy Carroll

Manager Planning & Environment Services
Planning and Environment Services

Friday 27 November 2020

