

## 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/ Prepared by	Dated
Plan 2	F	Proposed Subdivision Comparison (with consent 10.2018.355.1) Marked by Council	NDC	05/10/21
Plan 3	F	Proposed Subdivision Marked by Council	NDC	03/08/21
17550-01-CC CI-00	B	Overall Plan - Schedule of Drawings CI-00 to CI-05B	NDC	28/02/22
-	Finals	Vegetation Management Plan for Community Title Subdivision at 375 Coorabell Road, Coorabell (Council Doc # E2021/134169)	Balanced Systems Planning Consultants	27/07/2021

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. **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 2** of this consent.

3. **Integrated Approvals from other State Government Approval Body - Bushfire**

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 7 February 2022 contained in **Schedule 3** titled **Integrated Development General Terms of Approval RFS** of this Notice of Determination.

4. **Integrated Approvals from other State Government Approval Body - Water**

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being a Controlled Approval under the Water Management Act 2000, and is subject to the General Terms of Approval from NSW Department of Planning and Environment - Water, dated 6 March 2023 contained in **Schedule 4** titled **Integrated Development General Terms of Approval - Water** of this Notice of Determination.

### The following conditions are to be complied with prior to issue of a Subdivision Works Certificate

5. **Long Service Levy to be paid**

In accordance with Section 4.68 of the Environmental Planning and Assessment Act 1979 (as amended), a Subdivision Works Certificate 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](http://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.

6. **Amended Plans – Bin Storage and Collection**

The plans are to be amended to include details of an access road, turning area and covered storage area for on-site management and presentation of bins for collection by a Council refuse collection vehicle within the Neighbourhood Management Lot and on land zone RU2 Rural Landscape. The provision of adequate covered storage space capable of accommodating a total minimum of 28 bins: 14 waste and 14 recycling and area for presentation of bins. to have allowance for the presentation of 14 bins each week, with a 12.6 metre wide collection space.

Refer to stamped approved plans for location within the Neighbourhood Management Lot.

7. **Engineering Construction Plans**

Engineering construction plans and specifications must accompany the Subdivision Works Certificate application demonstrating compliance with Council's standards for the required engineering works.

Each set of drawings must 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 check lists set out in Annexure DQS-A of the [Northern Rivers Local Government Development & Design Manuals](#).

The information shown on the drawings must be logically collected on discrete sheets generally in accordance with Annexure DQS-B and the Sample Drawings of the Northern Rivers Local Government Development & Designs. The drawings are to provide for the following works :

a. **Access/Intersection Construction**

Access/intersection, road shoulder, pavement widening and associated drainage construction, including any necessary relocation of services in accordance with the approved drawings. Refer NDC drawings 17550-01-CC-CI-23 to CI-27 Rev B

Note: Any removal of trees requires separate approval.

b. **Property access road**

Property access roads must comply with General Terms of Approval Condition 3 in RFS Letter dated 7<sup>th</sup> February 2022 with reference DA20211111004900-Original-1. The following requirements must also be included:

- i. minimum 150mm compacted pavement;
- ii. site conditions affecting the access;
- iii. existing and design levels;
- iv. longitudinal and cross sections;
- v. drainage in accordance with Northern Rivers Local Government Design and Construction Guidelines; and
- vi. turning paths.

c. **Service Conduits**

Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.

d. **Piping of Watercourse**

The design immunity of the piping of watercourses traversing through the development in accordance with NSW Department of Planning & Environment – Water. An overland flow path is to be provided above the constructed pipeline to accommodate the pipe exceedance for all storm events, up to and including the 1 in 100 year storm event.

Design certification is to be provided from a suitable qualified engineer certifying compliance to the design immunity requirements required by NSW Department of Planning & Environment – Water

**e. Stormwater Drainage**

Stormwater is to be collected and discharged in accordance with Council's standards, currently [Northern Rivers Local Government Development Design & Construction Manuals](#). A full and detailed stormwater management plan for the site must be provided for Council's records at the time of lodging detailed engineering plans for Subdivision Works Certificate approval. The drawings and management plan must be accompanied by a Design Submission Checklist as set out in APPENDIX C of the Northern Rivers Local Government Handbook of Stormwater Drainage Design, which must be signed by a suitably qualified Civil Engineer or Registered Surveyor. The drawings and management plan are to include, but not be limited to, the following items:

- i. Catchment plan (included in the drawing set);
- ii. Hydrological and hydraulic calculations based on the methods outlined in the Queensland Urban Design Manual (QUDM) and Australian Rainfall & Runoff (AR&R) 1987. A summary of the calculations must be included on the drawings consistent with the Sample Drawings of the Northern Rivers Local Government Development & Design Manuals.
- iii. Stormwater management structures/facilities that have minimum impact on Council's maintenance program. All maintenance activities must be specified in a maintenance plan (and associated maintenance inspection forms) to be developed as part of the design procedure and included in the stormwater management plan.

**f. Erosion and Sedimentation Control Plan**

The plans and specifications to accompany the Subdivision Works Certificate application are to include a sediment and erosion control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The sediment and erosion control plan is to be designed in accordance with the requirements of the *NSW Department of Housing Manual (1989), Managing Urban Stormwater, Soils and Construction*.

A suitably experienced person must prepare the sediment and erosion control plan. Suitably experienced people include those certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.
- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

The plan must incorporate (without being limited to) information on general site management, material handling practices, soil stabilisation, water control, sediment control, wind erosion control and access measures.

**g. Waste bin collection access and storage area**

The plans and specifications to accompany the Subdivision Works Certificate application are to include details of an access road, turning area and covered storage area for on-site management and presentation of bins for collection by a Council refuse collection vehicle on land zoned RU2 Rural Landscape. Refer to stamped approved plans for location within the Neighbourhood Management Lot. The provision of adequate storage space capable of accommodating a total minimum of 28 bins: 14 waste and 14 recycling. Note. As the property is within the rural network there is no organics collection.

- i. The site must be configured so as to allow refuse collection vehicles to enter and exit the site in a forward direction and so that refuse collection vehicles do not impede general access to, from or within site.
- ii. Council requires that a waste bin storage and collection area be provided on the Neighbourhood Management Lot near the main vehicle access where Council refuse collection vehicles can safely collect waste near the top of the main driveway. This must not cause any obstruction to the movement of other vehicles entering and leaving the site at collection time. Refer to Council Marked Plans in red ink for generally approved location.

- iii. Wheelie Bin (MGB) area on-site in the Neighbourhood Management Lot will be required to have allowance for the presentation of 14 bins each week, with a 12.6 metre wide collection space. Note. Ongoing arrangements for collection of waste from the existing dwelling on the eastern side of Coorabell Road are to be retained.
- iv. Storage for 28MGB's will be required to have cover from the weather and prevent any over flow or impacts of rain to flow into the stormwater network.
- v. Plumbing with access to water in this covered area is required to allow for the cleaning of bins by residents.
- vi. Due to collection vehicles having to enter the community title/private road to collect MGB's, ALL residents will be required to sign an indemnity agreement allowing access for the council collection service provider.
- vii. The Neighbourhood Management Statement must specify how residents will manage transportation of waste from individual properties to the central waste bin storage area and responsibilities for keeping the waste collection area clean and presentation of bins on collection day on site. The Neighbourhood Management Statement must also specify the requirements for all residents to sign an indemnity agreement allowing access for the council collection service provider.

8. **Works in a Public Road Reserve**

Consent under the Roads Act 1993 must be obtained for all works within public road reserves. Local Traffic Committee approval must be obtained for all regulatory signs, facilities and markings.

9. **Traffic Guidance Scheme (TGS)**

The plans and specifications to accompany the Subdivision Works Certificate and Roads Act applications are to include a traffic guidance scheme (TGS) to indicate the measures to be employed to control traffic during construction of the subdivision. The TGS is to be designed in accordance with the requirements of the current version of the Transport for NSW *Traffic Control at Work Sites Technical Manual*.

The plan shall 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 TGS must be prepared by a suitably qualified Transport for NSW accredited person.

10. **Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997**

Documentary evidence from a suitably qualified professional is to be submitted with the Subdivision Works Certificate application, demonstrating that the bushfire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with in relation to any necessary subdivision works.

11. **Modification of consent 10.2018.355.1**

Prior to the release of a subdivision works certificate for this development application the owner or person authorised to act upon the development consent 10.2018.355.1 granted on 30/08/2019 shall modify the consent in accordance with section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 and clause 97 of the Environmental Planning and Assessment Regulation 2000 to ensure it is consistent with the conditions of this consent.

Specifically, conditions 1, 2, 3, 4, 10, 15, 18, 25, 44, 49, 51, 56 of development consent 10.2018.355.1 shall be deleted or modified and replaced with conditions, as follows:

**Delete Condition 1** *Development is to be in accordance with approved plans* and replace with wording in Condition 1 of this consent.

**Delete Condition 3** *Vegetation Management Plan.*

**Delete Condition 10** *Internal access road and alternative bush fire access road plans required* and replace with the wording in Condition 7 a-b of this consent.

**Modify Condition 2** *Limited Tree Removal* to be replaced with the following:

**Limited Tree Removal**

Removal of existing native trees from the site is limited to two Guioa (Tree #9 and #12) permitted by this development consent as defined within the plan entitled *Vegetation Management Plan for Community Title Subdivision at 375 Coorabell Road, Coorabell prepared by Balanced Systems Planning Consultants*, dated 27/07/2021 (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer. All other trees and native plants within the site are to be retained and protected.

**Modify condition 15** *Vegetation Management Plan to be incorporated into the Final Rural Landsharing Management Plan* to be replaced with the following:

**Vegetation Management Plan to be incorporated into the Final Rural Landsharing Management Plan**

Prior to the issue of a Occupation Certificate the Vegetation Management Plan (VMP) must be incorporated into the Final Rural Landsharing Management Plan and be integrated with any Bushfire Safety Measures, Landscaping Plan. The VMP must not be assessed for the purpose of compliance or deemed acceptable by any person other than an officer or representative of Byron Shire Council or an AABR-accredited Bush Regenerator (Australian Association of Bush Regenerators), see <http://www.aabr.org.au/do/business-directory/wpbdm-category/aabr-accredited-bush-regenerators/>

**Modify condition 18** *Trees and Offset area* to be replaced with the following:

**Retained Trees and Offset area**

All trees and vegetation communities to be retained in accordance with this development consent must be illustrated on any and all relevant Construction Plans, along with their Tree Protection Zones for any trees retained in proximity to approved works or structures. The proposed compensation area must be generally in accordance with the marked-up submitted plan entitled *375 Coorabell Road Coorabell Lot 1 DP 1266052 Illustration: Vegetation Management Plan by Balanced Systems Planning Consultants dated 24/07/2021* and must be illustrated on any and all relevant Construction Plans. In addition, the Arborist report named *Arboricultural Impact Assessment Report by Peter Gray dated 6 March 2019* must be adhered to at all times during construction.

**Modify Condition 25** *Primary ecological restoration work* to be replaced with the following:

**Primary ecological restoration work**

Primary ecological restoration work as defined within the approved *Vegetation Management Plan for Community Title Subdivision at 375 Coorabell Road, Coorabell prepared by Balanced Systems Planning Consultants*, dated 27/07/2021 (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer must be completed prior to and native tree removal on the site.

**Modify Condition 44** *Final Rural Landsharing Management Plan* to be replaced with the following:

**Final Rural Landsharing Management Plan**

A Rural Landsharing Management Plan (RLMP) to be prepared and submitted to Council in accordance with Clause D2.6.1 of *Byron Development Control Plan 2014* prior to the issue of the Occupation Certificate. The plan is to provide for the collective management and decision making of the community by shareholders. The plan is to also include measures to or for:

- a. first flush or bypass devices for rainwater tanks used for domestic/ residential purposes with a minimum supply of 40,000 litres excluding bushfire requirements
- b. restrict the use of reflective or white cladding or roofing
- c. Screen plantings and landscaping as per Visual Impact Assessment by Balanced System Planning Consultants dated May 2018.
- d. provision for bushfire management measures approved in this consent or any subsequent community title subdivision consent;
- e. a prohibition on domestic cats in accordance with the existing multiple occupancy approval (*cats are not permitted to be kept as pets on the overall property to protect native wildlife*).
- f. a prohibition on domestic dogs or provisions providing for their management;
- g. provision for environmental repair and enhancement in accordance with the approved Vegetation Management Plan;

- h. provisions for the protection and management of native vegetation within Byron High Environmental Values mapped areas and C2 Environmental Conservation Zoned Land located within Community Title Lots and also within the Community Lot 1.
- i. provision for waste management in accordance with conditions of this consent and any subsequent consent for community title subdivision;
- j. provision for water management; and
- k. provision for on-site sewage management
- l. provisions to prohibit holiday letting / short term rental accommodation or use of dwellings as tourist and visitor accommodation.

**Modify Condition 49** *Vegetation Management Plan* to be replaced with the following:

**Vegetation Management Plan**

All works required as a minimum up to Year 2 of the Vegetation Management Plan (VMP) to be completed prior to the issue of the Occupation Certificate.

A Certified Progress Report from a qualified and experienced ecologist and/or Bush Regenerator must be submitted demonstrating that all actions for Years 1 and 2 have been completed and that all performance criteria have been met, as required in the VMP is to be submitted with the application for the Occupation Certificate.

In this regard the VMP is named *Vegetation Management Plan for Rural Landsharing Community at 375 Coorabell Road, Coorabell* prepared by Balanced Systems Planning Consultants, dated July 2019, as amended by *Vegetation Management Plan for Community Title Subdivision at 375 Coorabell Road, Coorabell* prepared by Balanced Systems Planning Consultants, dated 27/07/2021 (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer

**Modify Condition 56** *Limited Tree Removal* to be replaced with the following:

**Limited Tree Removal**

Removal of existing native trees from the site is limited to two Guioa (Tree #9 and #12) permitted by this development consent as defined within the plan entitled *Vegetation Management Plan for Community Title Subdivision at 375 Coorabell Road, Coorabell* prepared by Balanced Systems Planning Consultants, dated 27/07/2021 (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer. All other trees and native plants within the site are to be retained and protected.

**12. Street Name Application to be lodged**

Street / road names for the subdivision must be submitted for Council approval prior to issue of the Subdivision Works Certificate.

An application for approval of a street name must be in writing (letter or email) and is to include:

- a. at least 2 names for each proposed road in preferential order;
- b. the location and extent of the road;
- c. background/history of the selected name/s;
- d. details on why the selected name is considered to be appropriate;
- e. details on how the selected name conforms with Council's Street Name Policy and the NSW Address Policy;
- f. a locality plan;
- g. a layout plan showing proposed road/s and selected name/s suitable for publishing in the local newspaper; and
- h. payment of fees in accordance with Council's adopted schedule of fees and charges.

**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 Subdivision Works 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](http://www.byron.nsw.gov.au/files/publication/swmmp-pro-forma.doc)

**The following conditions are to be complied with prior to commencement of subdivision works**

**14. Subdivision Work**

Subdivision work in accordance with the development consent must not be commenced until a Subdivision Works Certificate has been issued, a principal certifying authority has been appointed and at least 2 days' written notice for the intention to commence works has been made, in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations. The written notice for the intention to commence works must also include names and contact details of the certifying engineer and principal contractor.

**Note. Subdivision work means any physical activity authorised to be carried out under the conditions of this development consent for the subdivision of land, including earthwork, road work, stormwater drainage work, landscaping work, tree/vegetation removal, erosion and sediment control, traffic control, etc.**

**15. Tree Protection Measures**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- a. with a minimum height of 1.2 metres,
- b. outside the dripline of the tree,
- c. of steel star pickets at a maximum distance of 2metres between pickets,
- d. using a minimum of 3 strands of steel wire,
- e. to enclose the tree, and
- f. with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

**16. Compensatory planting and/or Primary ecological restoration work**

Compensatory planting and/or primary ecological restoration work as defined within the approved Vegetation Management Plan must be completed prior to any native tree removal on the site.

**17. Public Liability Insurance**

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

**18. Erosion and sediment measures**

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.

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

**19. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

20. **Site Location**

The location of the works and dwelling sites are to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries.

**The following conditions are to be complied with during construction of subdivision works**

21. **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.

22. **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.

23. **Public safety requirements**

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.

24. **Council Specification**

All works to be constructed to at least the minimum requirements of the "[Northern Rivers Local Government Design and Construction Manual](#)"

25. **Approved Plans to remain on site**

A copy of the approved Subdivision Works Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

26. **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.



27. **Builders rubbish to be contained on site**  
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.
28. **Protection of Native Trees**  
All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.
29. **Maintenance of fencing to protect trees**  
Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained.
- No building materials or other items are to be placed or stored within the fenced off areas. A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.
30. **Care to be taken when placing services near trees**  
All care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as to minimise root disturbance where services are to be laid within the dripline of a tree.
31. **No filling around trees**  
No soil or fill material is to be placed within the dripline of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.
32. **Fill to be retained on the subject land**  
Fill material must not encroach onto any adjoining land.
33. **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.**
34. **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.
35. **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.
36. **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.

**37. 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 \(2014\)](#)

**38. 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](#).

**The following conditions are to be complied with prior issue of a Subdivision Certificate**

**39. Subdivision Certificate application required**

An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

**40. Plan of Subdivision**

The final plan of subdivision must be in accordance with the approved plan/s. A Deposited Plan Administration Sheet (original plus one (1) copy), two (2) copies of the plan of subdivision and any necessary section 88B instrument (original plus one (1) copy) are to be submitted with the application for a subdivision certificate.

An additional copy of the final plan of subdivision is to be submitted showing the location of all buildings and/or other permanent improvements including any fences, internal access driveways/roads, and the 1 in 100 year flood extents on land within or adjacent to a flood planning area. Where the building/s or improvements are close to boundaries, offset distances are to be included on the additional copy of the plan. This plan must be endorsed by a Registered Surveyor. Any encroachments affecting new boundaries or the road reserve must be removed or relocated wholly within the allotment. The new boundaries must not cause any existing building/s to contravene the Building Code of Australia.

**41. Street addressing**

In accordance with clause 60(c) of the Surveying and Spatial Information Regulation 2017 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the final plan of subdivision. The street addressing for this property must be approved by Council. A written request seeking approval of street addresses is to be submitted to Council's Land Information Officer ([planning.certificates@byron.nsw.gov.au](mailto:planning.certificates@byron.nsw.gov.au)) with a copy of the final plan of subdivision showing driveway access to each lot from the public road servicing the lots.

Prior to issue of the subdivision certificate, the approved street number must be displayed in a prominent location near the approved driveway access for each lot with an existing dwelling/building approved for separate occupation.

**42. 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. Any encroachments onto the property are to be dedicated as "Road Widening" at no cost to Council.

43. **Section 88B Instrument**

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

a. **Easement for Electricity**

The creation of any necessary easements for electricity purposes as required by the electricity supply authority, unless created as a statutory easement by the community management statement.

b. **Reciprocal Rights of Way**

The creation of reciprocal rights of way for Bushfire Emergency Access over the entire internal access of the development for Lot 1 DP248377.

c. **Easement for Services**

The creation of suitable easements for services for proposed Lot(s), unless created as a statutory easement by the community management statement.

d. **Telephone Supply**

Creation of a positive covenant over all vacant allotments as follows:

No fixed line telephone service is available to the lot(s) burdened. The lot(s) burdened are outside the NBN fixed line footprint area and are eligible to receive NBN fixed wireless or satellite technology. The owner of the lot burdened is responsible to make arrangements for telecommunications and is responsible for any costs associated with the connection.

e. **Easement of conservation**

A restriction applying to the Environmental Management Zone (EMZ) areas as shown in approved in '*Vegetation Management Plan for Community Title Subdivision at 375 Coorabell Road, Coorabell prepared by Balanced Systems Planning Consultants, dated 27/07/2021* (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer. 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 local indigenous trees, shrubs, grasses or other vegetation, or the planting of any flora other than local indigenous flora;
- ii. any act or omission which may adversely affect any local indigenous flora or any indigenous 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 quality of any body of water or in the natural moisture 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.
- viii. 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.

44. **Draft Neighbourhood Management Statement to be amended**

The Draft *Neighbourhood Management Statement (NMS)* (Council Doc # E2021/134168) is required to be amended to include, but not be limited to, the following matters:

- a. by-laws for the creation of statutory easements for services within one lot servicing another that are not covered by the section 88B instrument;
- b. provision for bushfire management measures;

- c. a prohibition on domestic cats in accordance with the existing multiple occupancy approval (*cats are not permitted to be kept as pets on the overall property to protect native wildlife*).
- d. a prohibition on domestic dogs or provisions providing for their management;
- e. provision for environmental repair and enhancement in accordance with the approved Vegetation Management Plan);
- f. provisions for the protection and management of native vegetation within Byron High Environmental Values mapped areas and C2 Environmental Conservation Zoned Land located within Community Title Lots and also within the Community Lot 1.
- g. CT boundary fences should implement a low impact fence design to be erected along the approved CT boundaries, that should achieve the following:
  - Not require the removal of any native vegetation;
  - Not impede the movement of native fauna through the property;
  - Have a minimum 50cm gap between the ground level and the first rail or strand; and
  - Not include gaps of less than 50cm between rails or strands. (Byron Shire Council requirements)
- h. provision for waste management in accordance with conditions of this consent;
- i. provision for water management; and
- j. provision for on-site sewage management.
- k. provisions to be included in the Management Statement to prohibit dwellings from being holiday let, or used as short term rental accommodation or as tourist and visitor accommodation.

45. **Management Statements**

The management statement and development contract and a copy are to be submitted with the application for a subdivision certificate, together with a letter from a Solicitor, experienced in Community Title legislation, certifying that the management statement and development contract have been prepared in accordance with Community Title legislation and acceptable for registration with NSW Land and Property Information. Details must be submitted to demonstrate how the management statement and development contract comply with the condition of consent *Draft Neighbourhood Management Statement to be amended*.

46. **Completion of All Works**

All subdivision works required by this development consent, and associated Subdivision Works Certificate, are to be completed prior to issue of the subdivision certificate. A copy of the final completion letter/s, issued by the Principal Certifying Authority, and final plumbing certificate, issued by the water supply authority, for the relevant subdivision works must be submitted with the application for a subdivision certificate.

47. **Erection of Street Signs**

The subdivider is to supply and erect street signs for the approved street names in accordance with this development consent and the Subdivision Works Certificate approval.

48. **Certificates for engineering works**

The submission of all test certificates, for civil works together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals and Specifications".

49. **Works-As-Executed Plans**

Following completion of works and prior to issue of the subdivision certificate, Work-as-Executed Drawings, together with a Work-As-Executed Certification Report, in accordance with Council's requirements are to be submitted to Council. Two categories of Work-as-Executed Drawings are to be submitted to Council, being **Amended Design Work-as-Executed Drawings** and **Summary Work-as-Executed Drawings**.

**Amended Design Work-as-Executed Drawings**, being certified copies of all approved design plans with as constructed departures, deletions and additions clearly noted and detailed on the plans, are to be submitted to Council in the following formats:-

- a) One (1) paper copy at the same scale and format as the approved design plans, but, marked appropriately for as constructed information and with original signatures; and
- b) An electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

**Summary Work-as-Executed Drawings** are to be prepared on a background plan of lot layout and set of separate plans for stormwater drainage and site works. The site works drawing/s must include the 1 in 100 year flood levels, where relevant. Such drawings are to be submitted to Council in the following formats:-

- a) One (1) paper copy of each drawing with original signatures and in accordance with Council's requirements.
- b) Electronic copy of the above in AutoCAD DWG or DXF format and provided to Council on CD, DVD or via email. The AutoCAD (DWG or DXF) files are to be spatially referenced to MGA Zone 56.
- c) Electronic copy of above in PDF format and provided to Council on CD, DVD or via email.

Note: Council's requirements are detailed in Council's adopted engineering specifications, currently the [Northern Rivers Local Government Development Design and Construction Manuals](#), and on Council's website.

**50. Certificate for services within easements**

The submission of a certificate from a registered surveyor certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.

**51. Electricity Supply Certificate**

Prior to the issue of the Subdivision Certificate, a Notice of Arrangement (NOA) requested from the Distribution Network Service Provider, currently Essential Energy, must be submitted to the Principal Certifying Authority. The NOA must confirm that satisfactory electricity supply has been provided to each of the proposed lots and all necessary street lighting has been energised for the development. Note: Requests for a NOA are to be made to the Contestable Works section at Essential Energy.

**52. Geotechnical Report (Lot Classification)**

A certificate from a practicing Geotechnical Engineer must be provided in conjunction with a Lot Classification Report prepared in accordance with Australian Standard AS2870.1. Such certificate must certify that all vacant allotments have a building site of adequate size and shape on each lot that is not subject to slip or subsidence.

**53. Maintenance Bond**

A maintenance bond of 5% (**minimum bond amount of \$1,000.00**) of the value of the works constructed is to be lodged with Council. A copy of the contract construction cost of the subdivision works is to be submitted with the bond. The maintenance period is 6 months in accordance with Council's current Design & Construction Manuals and will commence from the date of issue of the **Subdivision Certificate**. The security may be provided, at the applicant's choice, by way of cash bond or a satisfactory bank guarantee. An application in writing for the release of the bond must be made at the satisfactory completion of the maintenance period.

**54. Record of Infrastructure**

A record of infrastructure coming into Council ownership, upon registration of the final plan of subdivision, is to be submitted to Council. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Local Approvals Section.

**55. Completion of Vegetation Management Plan works up to and including year 2**

Prior to the issue of a Subdivision Certificate, a report from a qualified and experienced ecologist and/or Bush Regenerator, to the satisfaction of Council, must be submitted to the Certifying Authority to demonstrate that all works required by the approved Vegetation Management Plan (VMP) for the site have been completed and that all performance criteria have been met up to and including year 2. In this regard the VMP is named *Vegetation Management Plan for Community Title*

*Subdivision at 375 Coorabell Road, Coorabell prepared by Balanced Systems Planning Consultants, dated 27/07/2021 (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer.*

56. **Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997**

Prior to issue of the Subdivision Certificate, documentary evidence from a current level 2 Bushfire Planning and Design (BPAD) accredited consultant, under the Fire protection Association of Australia, is to be submitted to the Principal Certifying Authority certifying that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.

57. **Developer Contributions to be paid**

Contributions set out in the schedule below are to be paid to Council or documentary evidence that the contributions for 10.2018.355.1 have been paid prior to the release of a subdivision certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012 (as amended). The Plan may be viewed on line at [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012 (as amended).

The contributions as set out in the schedule may either be paid in full, or they may be paid in stages on a proportional basis dependent on the number of lots to be released in the subdivision certificate. The first credit for a site will be retained on the residual lot. Any additional credits over one (1) will be allocated at the first stage(s).

The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

**The following conditions are to be complied with at all times**

58. **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.

59. **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.

60. **Neighbourhood Management Statement**

The development is to be in accordance with the certified neighbourhood management statement at all times.

61. **Vegetation Management Plan**

At all times, the development is to be in accordance with the approved Vegetation Management Plan, prepared by Balanced Systems Planning Consultants, dated 24/07/2021 (Council Doc # E2021/134169) or any other subsequently dated version of the Vegetation Management Plan, approved by Council's Natural Resources Planner or equivalent Council officer.

All construction workers, site visitors, community lot owners are to possess a copy of the Council approved Vegetation Management Plan.

**62. 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.

**63. Protection of native fauna from disturbance**

- a. Any clearing of native vegetation and/or earthworks must not commence until the area proposed for clearing has been inspected for the presence of all fauna species using the site by a suitably qualified and experienced individual;
- b. Should fauna be present at the time of proposed clearing, relevant fauna spotter/catcher protocols must be followed to prevent injury to wildlife;
- c. Any injured wildlife must be taken to a local wildlife vet for treatment.
- d. Approval to proceed with the clearing of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.
- e. The individual referred to in (ii) above, or a nominated representative, must remain on site during any approved clearing of vegetation.

**64. Protection of Native Trees**

Native trees within community living lots and nearby to dwelling sites, APZs and infrastructure are to be protected in accordance with AS 4970-2009 Protection of Trees on Development Sites.

**65. Retention of native vegetation within 10/50 Vegetation Clearing Entitlement Area**

All native vegetation that the 10/50 Vegetation Clearing Code of Practice would otherwise authorize to be removed, destroyed or pruned must be retained for conservation purposes.

**66. Bush fire safety authority**

The terms of the integrated development approval Bush Fire Safety Authority are to be maintained at all times. Terms of Integrated Development Approval Bush Fire Safety Authority – Section 100B of the Rural Fires Act 1997

## **SCHEDULE 2. PRESCRIBED CONDITIONS**

**The prescribed conditions in accordance with Division 2, Subdivision 1 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 69	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 70	Erection of signs
Clause 71	Notification of Home Building Act 1989 requirements
Clause 72	Conditions relating to entertainment venues
Clause 73	Condition relating to maximum capacity signage
Clause 74	Condition relating to shoring and adequacy of adjoining property

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



## SCHEDULE 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL - BUSHFIRE



NSW RURAL FIRE SERVICE

Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Your reference: (CNR-30790) 10.2021.657.1  
Our reference: DA20211111004900-Original-1

**ATTENTION:** Patricia Docherty

Date: Monday 7 February 2022

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Community Title Subdivision**  
**375 Coorabell Road COORABELL NSW 2479, 1//DP1266052**

I refer to your correspondence dated 11/11/2021 seeking general terms of approval for the above Integrated Development Application.

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 to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

1. At the issue of a subdivision certificate, and in perpetuity, the site around the existing dwelling on Lot 16 must be maintained as an Inner Protection Area (IPA) for a distance of 20 metres or to the boundary, whichever is the lesser.

When establishing and maintaining an inner protection area, the following requirements apply:

- a. tree canopy cover should be less than 15% at maturity,
- b. trees at maturity should not touch or overhang the building,
- c. lower limbs should be removed up to a height of 2m above the ground,
- d. tree canopies should be separated by 2 to 5m,
- e. preference should be given to smooth-barked and evergreen trees,
- f. large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- g. shrubs should not be located under trees,
- h. shrubs should not form more than 10% ground cover,
- i. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,
- j. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height), 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](http://www.rfs.nsw.gov.au)



- k. leaves and vegetation debris should be removed.

2. Any future dwelling to the approved dwelling sites shall not be exposed to radiant heat greater than 29kW/m<sup>2</sup>. Thus, any future dwelling must be provided with commensurate Asset Protection Zones for the construction level to a maximum construction level of BAL29. BAL40 and BALFZ are not permitted.

#### **Access – Property Access**

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

3. Property access roads must comply with the following requirements of Table 5.3b of 'Planning for Bush Fire Protection 2019';

- a. property access roads are two-wheel drive, all-weather roads;
- b. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating;
- c. there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- d. at least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from the public through road;
- e. minimum 4m carriageway width;
- f. in a forest, woodland and heath situations, rural property roads have passing bays every 200m and at blind crests and corners that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- g. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- h. property access must provide a suitable turning area in accordance with Appendix 3;
- i. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- j. the minimum distance between inner and outer curves is 6m;
- k. the cross fall is not more than 10 degrees; and
- l. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

4. The proposed alternate property access over adjoining Lot 1 DP 248377 is to be registered as a formal Right of Way pursuant to section 88B of the 'Conveyancing Act, 1919' and be constructed prior to the commencement of any future dwelling on the subject property.

#### **Water and Utility Services**

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

5. The provision of water must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a. a 10,000 litre static water supply must be provided on-site to the existing dwelling and any future dwelling,
- b. an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure (5-20 metres),
- c. 65mm Storz connection with a ball valve is fitted to the outlet,
- d. the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- e. underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- f. a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- g. above-ground tanks are manufactured from concrete or metal,
- h. raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,



- i. unobstructed access can be provided at all times,
- j. underground tanks are clearly marked,
- k. tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- l. all exposed water pipes external to the building are metal, including any fittings,
- m. where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- n. any hose and reel for firefighting connected to the pump shall be 19mm internal diameter,
- o. fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- p. A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - i. Markers must be fixed in a suitable location to be highly visible, and
  - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

6. The provision of electricity must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a. where practicable, electrical transmission lines are underground,
- b. where overhead, electrical transmission lines are proposed as follows:
  - i. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
  - ii. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

7. The provision of gas must comply with the following in accordance with Table 7.4a 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. polymer-sheathed flexible gas supply lines are not used, and
- e. above-ground gas service pipes are metal, including and up to any outlets.

#### **General Advice – Consent Authority to Note**

The assessment is based on the documents/plans supplied via Councils referral to the NSW RFS.

- The plan titled 'Plan 3: Proposed Subdivision', prepared by Newton Denny Chapelle, reference 170550, revision F, 3 August 2021.
- Bush Fire Assessment prepared by Sustainable Home Solutions, dated 22 July 2021.

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**



NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Community Title Subdivision  
375 Coorabell Road COORABELL NSW 2479, 1//DP1266052  
RFS Reference: DA20211111004900-Original-1  
Your Reference: (CNR-30790) 10.2021.657.1

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 confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Alan Bawden**

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

Monday 7 February 2022

## SCHEDULE 4. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL - WATER

### Department of Planning and Environment



Contact: Department of Planning and Environment—Water  
Phone: 1800 633 362  
Email: [waterlicensing.servicedesk@dpie.nsw.gov.au](mailto:waterlicensing.servicedesk@dpie.nsw.gov.au)

Our ref: IDAS-2021-10362  
Your ref: DA10.2021.657.1

6 March 2023

General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Attention: Patricia Docherty

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re: IDAS-2021-10362 - Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA10.2021.657.1**

**Description: Development consent is sought for a community title subdivision to create 16 lots inclusive of the neighbourhood management lot**

**Location: Lot 1 DP1266052, 375 COORABELL ROAD, COORABELL 2479**

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the Department of Planning and Environment—Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment—Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development

consent and the modifications change the proposed work or activities described in the original DA.

- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

**The attached GTA issued by the Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.**

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment—Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment—Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely

*Kieran Ball*

**For**  
**Nathalie Whitby**  
**Manager**  
**Licensing and Approvals**  
**Department of Planning and Environment—Water**

## General Terms of Approval

for proposed development requiring approval under s89,  
90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS-2021-10362
<b>Issue date of GTA:</b>	6 March 2023
<b>Type of Approval:</b>	Controlled Activity
<b>Location of work/activity:</b>	Lot 1 DP1266052, 375 COORABELL ROAD, COORABELL 2479
<b>Waterfront Land:</b>	Unnamed tributaries of the Wilsons River
<b>DA Number:</b>	DA10.2021.657.1
<b>LGA:</b>	Byron Shire Council

**The GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to the Department of Planning and Environment—Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA10.2021.657.1 provided by Council to Department of Planning and Environment—Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none"> <li>Site plans indicating the demarcation of waterfront land, designated riparian corridors, and identifying any areas of encroachments and offsets</li> <li>Detailed civil construction plans;</li> <li>Construction streamworks plans;</li> <li>Construction watercourse crossing design plans;</li> <li>Soil and water management plan;</li> <li>Erosion and sediment control plans;</li> <li>Construction detailed drainage plans;</li> <li>Construction stormwater drainage outlet plan;</li> <li>Vegetation management plan;</li> <li>Construction cut and fill cross sections and plan view details of site;</li> <li>Construction detailed bulk earthworks plans;</li> <li>Construction detailed bulk earthworks and rehabilitation staging plan;</li> </ol> <p>B. The plan(s) must be prepared in accordance with Department of Planning and Environment—Water 's guidelines located on the website <a href="https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines">https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines</a></p>

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment—Water for integrated development associated with IDAS-2021-10362 as provided by Council:

- Statement of Environmental Effects, Newton Denny Chapelle, dated October 2021
- Application Plans, Ref 170550 Rev F, prepared by Newton Denny Chapelle, dated 3 March 2021
- Preliminary Civil Design Ref 17550 Alt Design CT Rev 9 - CT C1 Plan, prepared by Newton Denny Chapelle, dated 28 February 2020
- Response to RFI, prepared by Newton Denny Chapelle, dated 15 December 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 2021 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan.
The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed
The DA was notified/advertised in accordance with Council's Community Participation Plan. No submissions were received.

## 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 for a Construction Certificate must be made online using the [NSW Planning Portal](#).

### Principal Certifying Authority:

Work must not commence until the applicant has:-

- appointed a Principal Certifying Authority (if the Council is not the PCA); and
- given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

### Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

### Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979

### 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 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).

### S7.11 Schedule of Development Contributions

The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment**. The current contribution rates are available from Council offices during office hours. **Payments will only be accepted by cash or bank cheque.**

Section 7.11 contributions Schedule						
Rural South Catchment						
This schedule was calculated in spreadsheet #E2021/99005						
1 bedroom units =		0	@	0.55 SDU	=	0
2 bedroom units =		0	@	0.75 SDU	=	0
3 bedroom units/dwellings =		0	@	1 SDU	=	0
Allotments =		15	@	1	=	15
Less Site Credits =		1	@	-1	=	-1
Total SDU					=	14
Schedule valid until		26 Apr 2023	After this date contact Council for CPI update.			
Local Open Space & Recreation	(OS-RS)	14.00	SDU @	\$ -	=	\$ -
LGA Wide Open Space & Recreation	(OS-SW)	14.00	SDU @	\$ 828.74	=	\$ 11,602.33
LGA wide Community Facilities	(CF-SW)	14.00	SDU @	\$ 1,213.77	=	\$ 16,992.84
Local Community Facilities	(CF-RS)	14.00	SDU @	\$ -	=	\$ -
Bikeways & Footpaths	#N/A	14.00	SDU @	\$ -	=	\$ -
Shire Wide Bikeways & Footpaths	(CW-SW)	14.00	SDU @	\$ 89.03	=	\$ 1,246.44
Urban Roads	#N/A	14.00	SDU @	\$ -	=	\$ -
LGA Wide Roads	(R-SW)	14.00	SDU @	\$ 250.77	=	\$ 3,510.79
Rural Roads	(R-RS)	14.00	SDU @	\$ 16,364.15	=	\$ 229,098.10
Administration Levy	(OF-SW)	14.00	SDU @	\$ 1,253.53	=	\$ 17,549.49
<b>Total</b>						<b>\$ 280,000.00</b>

### Essential Energy General Comments

Essential Energy makes the following 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. As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and

contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.

5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as 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.
6. 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).
7. 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](http://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 and Code of Practice – Work near Underground Assets.