



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the

Environmental Planning and Assessment Act, 1979 Section 4.18(1)(a)

Development Application No. 10.2019.650.1

Newton Denny Chapelle
ATTN: Carrie Smith
PO Box 1138
LISMORE NSW 2480

Email: admin@newtondennychapelle.com.au

Property description:	LOT: 2 DP: 733182 103 Kings Road FEDERAL
Development	New Dwelling to create Dual Occupancy (Detached)
Determination	Consent granted subject to the attached schedule of conditions
Date determined:	16 April 2020
Consent to operate from:	20 April 2020
Consent to lapse on:	20 April 2025

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder, and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 require you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority (PCA)** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

CONDITIONS OF CONSENT:

SCHEDULE 1 CONDITIONS OF CONSENT

Parameters of consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
A-DA-001 Rev 01	Site Plan	CHROFI	22/11/19
A-DA-101 Rev 01	Ground floor plan	CHROFI	22/11/19
A-DA-102 Rev 01	Roof Plan	CHROFI	22/11/2019
A-DA-201 Rev 01	Elevations	CHROFI	22/11/19
Plan 2 Rev C	Landscaping plan	Newton Denny Chapelle	09.03.20

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Bushfire safety measures

This land is identified as being designated bushfire prone land and Under S79B of the act, Council must be satisfied prior to making a determination for development on bushfire prone land that the development complies with "Planning for Bush fire Protection 2006".

The development is approved subject to the following conditions:

1. The proposed development is to comply with the plan titled A-DA-001 Revision 01 and dated 22/11/19, except where modified by conditions of this approval.

Asset Protection Zones

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

2. At the commencement of building works and in perpetuity the property around the building shall be managed as follows:
 - a. South and South-West for a distance of 19 metres as an Inner Protection Area
 - b. North for a distance of 12 metres as an Inner Protection Area
 - c. East and South-East for a distance of 18 metres as an Inner Protection Area
 - d. West for a distance of 17 metres as an Inner Protection Area

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) 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:

3. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
 - a. Fire fighting water supply may be provided by a tank, a swimming pool or a dam that shall be located not less than 5 metres and not more than 20 metres from the approved structure
 - b. New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc.). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc.) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
 - c. Non combustible materials (concrete, metal, etc.) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
 - d. A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.
 - e. The gate or 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.
 - f. All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
 - g. Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc.) materials shall be shielded from the impact of radiant heat and direct flame contact.
 - h. A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.
 - i. Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
 - j. All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
 - k. Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
 - l. 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 so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

Electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'. However an alternative property access road is not required. Additionally a reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

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:

5. New construction shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

6. Landscaping within the required inner protection area is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The following conditions are to be complied with prior to issue of a Construction Certificate for building works

3. Plans of retaining walls and drainage

The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage. The ground floor of the dwelling to be set at **RL193.50m AHD**.

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

4. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1058139S, dated Friday, 22 November 2019.

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.

5. Amendment to Plantation Plan AV1906P required

Prior to the issue of the Construction Certificate, The Plantation Plan AV 1906P to be amended to reflect the proposed dwelling and associated house buffers. A copy of the approved plan as amended by NSW Primary Industries to be submitted to Council.

6. Detailed Landscaping Plan

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Chapter B9 of Development Control Plan 2014. Species identified in Chapter B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted:
- c) mature height of trees to be planted
- d) location of grassed and paved areas, and
- e) location of trees identified for retention in the development application plans.
- f) The plan is to be prepared by a suitably qualified landscape architect / architect /ecologist who has appropriate experience and competence in landscaping.
- g) Earth mounding that follows the driveway to screen the development from the adjoining property to the west. The earth mound is to be **1.5 mt** in height, and be constructed in the areas indicated on the landscaping plan Plan 2 Rev C "Landscaping Plan" dated 09.03.20 by Newton Denny Chapelle.
- h) The trees to be planted should be native or endemic rainforest species and include native shrubs or ground cover plantings are to be planted along the earth mounding along the driveway to provide a visual screen to the property to the west.

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

Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

7. Imported Fill Material (if required)

All fill material imported to the site for the purpose of the development must be from a clean source. Documentation must accompany the material certifying it as clean or virgin material (VENM). A copy of the certification must be provided to Council prior to any building work or construction commencing.

8. Fence within road reserve

Amended Plans to be submitted with the Construction Certificate to re-locate the front fence from the Kings Road reserve to align with the front boundary of the subject property.

9. Drinking water supply

To ensure that there is sufficient drinking water supply for the dual occupancy dwelling. The plans for the Construction Certificate are to demonstrate that the proposed dwelling has a minimum tank capacity of 40,000 litres or greater, in addition to any water supply required for fire-fighting purposes.

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

10. Developer Contributions to be paid

Contributions set out in the schedule below are to be paid to Council prior to the release of a construction certificate. Contributions are levied in accordance with the [Byron Shire Developer Contributions Plan 2012 \(as amended\)](#). The Plan may be viewed on line 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 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.

11. Building materials and colours to be specified

The application for a Construction Certificate is to include plans and specifications that indicate the proposed building materials and colours consistent with the provisions of Development Control Plan 2014 – Chapter D2.2.3 - Character and Visual Impact. Please note that colours must be non-reflective earth tone colours and that the use of white and near white colours is not permissible

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

12. 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.

13. Bond required to guarantee against damage to public land

A bond of \$3000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development, together with payment of an asset inspection fee in accordance with Council's fees and charges. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

14. Site Waste Minimisation and Management

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

15. Tree Removal

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

16. Terms of approval for on-site sewage management required

Refer to Local Government Act Section 68 approvals issued subsequent to this consent.

17. On-site sewage management facility Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent. 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.

18. Water and Sewerage - Section 68 approval required

An Approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

19. Stormwater Drainage – Dispersion 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 a dispersion trench or trenches complying with the requirements of Council's *Comprehensive Guidelines for Stormwater Management*.

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

20. 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:

Driveway Upgrade

A driveway in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". In this regard the existing driveway must be upgraded to comply with Council's current standards.

21. Access & Parking

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. Plans are to include, but not be limited to, the following items:

- a) Two hardstand parking spaces for each dual occupancy dwelling;
- b) Turning areas to allow vehicles to enter and exit in a forward direction;
- c) Sealing of the internal driveway from Kings road to the dual occupancy dwelling is to show details of pavement design, comprising an all weather surface, such as asphalt, bitumen seal or concrete,
- d) Site conditions affecting the access;
- e) Existing and design levels; and
- f) Longitudinal section from the road centreline to the car space(s).

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".

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

22. 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 http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf. 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).

23. 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.

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

24. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

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

25. 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.

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. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

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. Maintenance of sediment and erosion control measures and dust suppression 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.

31. 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.

32. 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.

33. 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

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

34. 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.

35. Landscaping to be substantially completed

The landscaping as required by the approved landscaping plan is to be completed prior to the occupation of the dwelling.

36. Waste Removal

Rubbish and builders waste surrounding the old piggery shed to be removed and disposed of at local land fill prior to the issue of the occupation certificate.

No rubbish is to be buried.

37. Plumbing in old piggery building

Plumbing fixtures and fittings in the old piggery shed are not to be plumbed unless approval to install an onsite sewage management system has been issued and the approved system installed.

38. Removal of fence within road reserve

Evidence demonstrating that the fence located within the road reserve has been re-sited to the property boundary is to be provided to Council, prior to the issue of an Occupation Certificate. Such evidence to be by way of a survey completed by a Registered Surveyor.

39. 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."

40. Stormwater drainage work

Stormwater drainage for the development must be constructed in accordance with the approved plans and specification prior to issue of an occupation certificate.

41. 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.

42. 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.

43. 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>'.

44. Access and parking areas to be completed.

The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent prior to issue of an occupation certificate.

45. 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.

The following conditions are to be complied with at all times

46. Approved use

Dwelling house – Use of the development is approved for a dwelling house. Any activity other than that defined as dwelling house must not be carried out unless development consent is sought.

Note. *Dwelling house* means “a building containing only one dwelling”, and dwelling means “a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile”. The dwelling house is not approved as short term rental accommodation, tourist and visitor accommodation or to be “holiday let”.

SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation apply as are of relevance to this application:

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

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements

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

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

SCHEDULE 3 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:-

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

Occupation Certificate required:

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

Protection of the Environment Operations Act 1997:

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

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).

Compliance with *Plantations and Reafforestation (Code) Regulation 2001*

The site is also subject to an approved plantation under the *Plantations and Reafforestation (Code) Regulation 2001* with plan approval #AV1906P. The owner or a person empowered to act on this consent must ensure that both the conditions of this consent and the requirements under the regulation are met at all times.

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 for Rural South Catchment

This schedule was calculated in spreadsheet #E2018/73086

1 bedroom units =	0	@	0.55 SDU	=	0
2 bedroom units =	0	@	0.75 SDU	=	0
3 bedroom units/dwellings =	2	@	1 SDU	=	2
Allotments =	0	@	1	=	0
Less Site Credits =	1	@	-1	=	-1
Total SDU				=	1
Schedule valid until				24/04/2020	
				After this date contact Council for CPI update.	
Local Open Space & Recreation	(OS-RS)	1.00	SDU @ \$ -	=	\$ -
LGA Wide Open Space & Recreation	(OS-SW)	1.00	SDU @ \$ 763.92	=	\$ 763.92
LGA wide Community Facilities	(CF-SW)	1.00	SDU @ \$ 1,118.85	=	\$ 1,118.85
Local Community Facilities	(CF-RS)	1.00	SDU @ \$ -	=	\$ -
Bikeways & Footpaths	#N/A	1.00	SDU @ \$ -	=	\$ -
Shire Wide Bikeways & Footpaths	(CW-SW)	1.00	SDU @ \$ 82.07	=	\$ 82.07
Urban Roads	#N/A	1.00	SDU @ \$ -	=	\$ -
LGA Wide Roads	(R-SW)	1.00	SDU @ \$ 231.16	=	\$ 231.16
Rural Roads	(R-RS)	1.00	SDU @ \$ 15,084.32	=	\$ 15,084.32
Administration Levy	(OF-SW)	1.00	SDU @ \$ 1,155.50	=	\$ 1,155.50
Total				=	\$ 18,435.82

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 relevant provisions of Development Control Plan 2010
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 Development Control Plan 2014. 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 Development Control Plan 2014. 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.

Reason for conditions

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Are you dissatisfied with conditions of consent?

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 4.55 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Court within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

NOTE: This clause does not relate to Integrated Development Applications, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 8.2 of the Environmental Planning and Assessment Act 1979.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully

Mr L Wall
Gateway Planner



Dated: 20 April 2020

MINIMUM NATHERS & BASIX REQUIREMENTS

WATER

LANDSCAPING

- Provide indigenous or low water use species of vegetation throughout 20m² metres of the site.

WELS Water Rating

- 3star rated (>6 but <= 7.5 L/min) showerheads to all showers
- 4star rated toilets
- 4star rated taps to Kitchen
- 4star rated taps to Bathrooms / Ensuites

RAINWATER TANK

- Minimum 6,000L rainwater tank to collect run-off from at least 300m² of roof area connected to at least one outdoor Tap

POOLS

- No pool or spa to be installed as part of this development.

THERMAL PERFORMANCE

INSULATION

- R2.5 bulk insulation with no gap to all external walls
- R1.0 bulk insulation to all internal walls
- R4.0 insulation to suspended framed floor structure
- R4.0 insulation to ceiling void between rafters
- R1.8 "CSR Anticon 80mm" or similar insulation to underside of metal deck roofing

EXTERNAL COLOURS

- Medium (0.475<SA<0.70) external walls colour
- Medium (0.475<SA<0.70) roof colour

GLAZED WINDOWS & DOORS

- Aluminium framed with low-e (high solar) glazing to all windows and doors;
 - pivot system: U=5.4 & SHGC=0.49
 - sliding/fixing system: U=5.4, SHGC=0.58
- Refer NATHERS Certificate for further details

CEILING PENETRATIONS

- Australian Standard approved non-ventilated covers or shields to all downlight installations throughout dwelling, where used.
- All exhaust units to be sealed (dampers installed).

FLOOR COVERINGS

- Timber flooring to Living area's
- Timber flooring to Bedroom area's
- Tile flooring to all wet area's

ENERGY

HWS

- Gas instantaneous - 5star

HEATING AND COOLING

- Ceiling fans to Living and Bedroom Zones
- Wood heating to Living areas

VENTILATION

- Ducted artificial ventilation to min. One Bathroom
- Ducted rangehood to Kitchen
- Natural ventilation only to Laundry

FLUORESCENT OR LED LIGHTING

- Efficient dedicated lighting to Bedrooms, Living, Dining, Kitchen, Bathroom, Ensuite, Office, Laundry and Hallway

NATURAL LIGHT

- Natural lighting to Kitchen
- Natural lighting to Bathroom & Ensuite

OTHER (appliances and fixtures)

- Gas cooktop & electric oven
- Outdoor clothes drying line



Certificate no. 0004384954
Assessor Name Zoltan Lipovski
Accreditation no. 20884
Certificate date 22 Nov 2019
Dwelling Address 103a Kings Road Federal, NSW 2480
www.nathers.gov.au



ARCHITECT
CHROFI

3/1 THE CORSO MANLY NSW 2095 AUSTRALIA
T +61 2 9096 8500 E info@chrofi.com
CHROFI ROMA FISHER P/L ACN 144 714 885 ATF CHROFI FISHER UNIT TRUST T.A. CHROFI ABN 77 363 257 177 NOMINATED ARCHITECT JOHN CHOI 3706 TAN ROMBA 6508 STEVEN FISHER 6209
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REV	DATE	ISSUE
01	22/11/19	ISSUE FOR DA

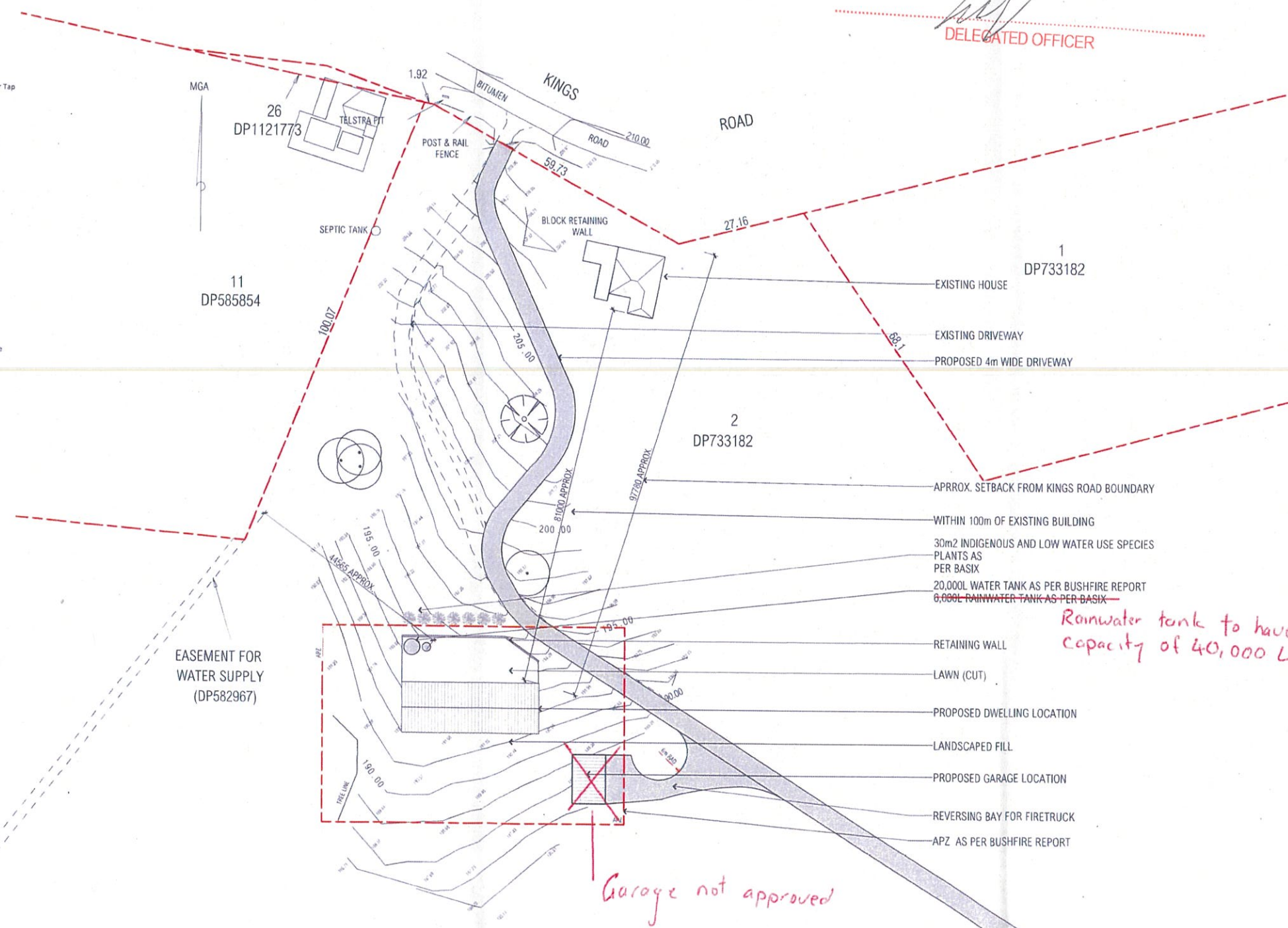
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PROJECT	DWELLING HOUSE 103a Kings Road, Federal, NSW 2480
PROJECT NUMBER	1932
PLOT DATE	22/11/19
DRAWN	GJ
CHECKED	JC
SHEET SCALE	1:1000
SHEET SIZE	A3
NORTH	

SHEET TITLE	SITE PLAN
SHEET NUMBER	A-DA-001
REVISION	01

BYRON SHIRE COUNCIL
THIS IS THE PLAN ATTACHED TO
DEVELOPMENT CONSENT NO: 10.2019.650.1
DATED: 16 APR 2020

DELEGATED OFFICER

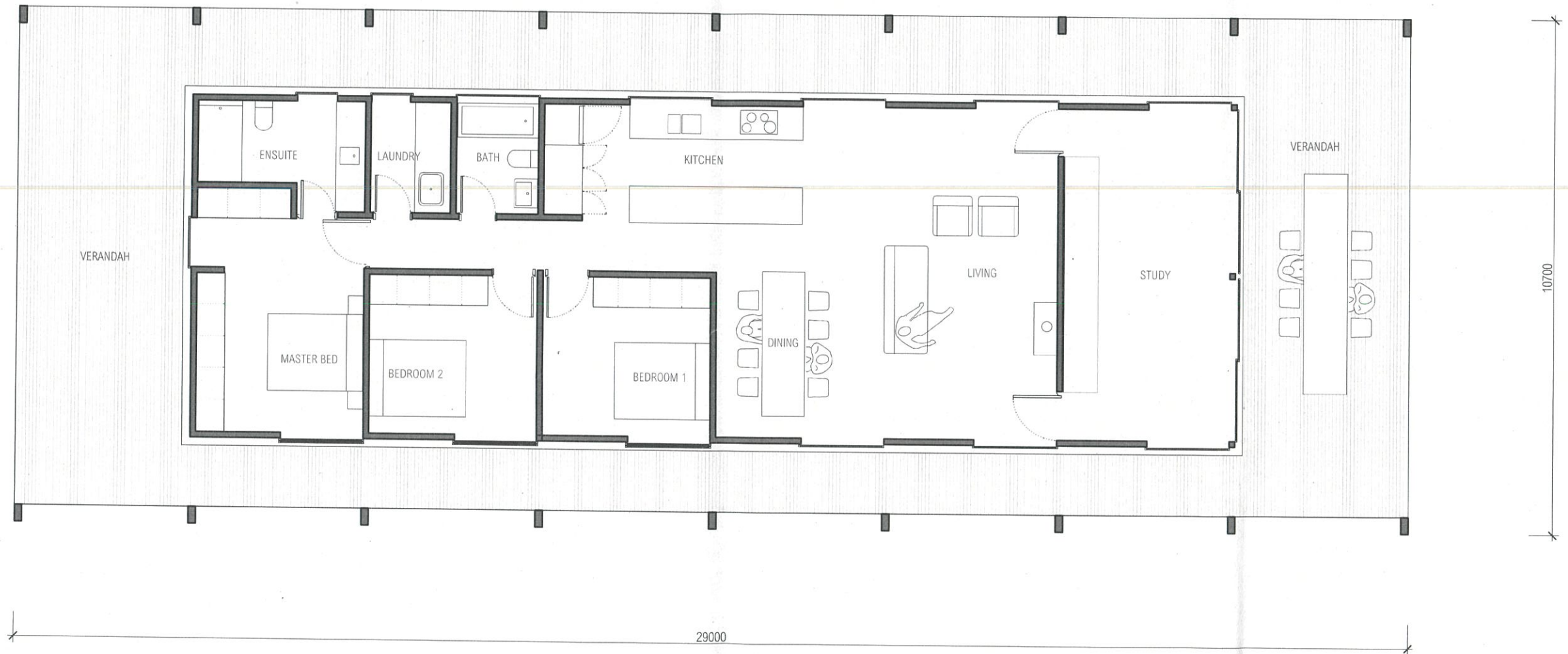


Garage not approved

Rainwater tank to have a minimum capacity of 40,000 L

BYRON SHIRE COUNCIL
THIS IS THE PLAN ATTACHED TO
DEVELOPMENT CONSENT NO: 10.2019.850.1 DATED: 16 APR 2020

DELEGATED OFFICER



GROUND LEVEL
1:100



Certificate no.: 0004384954
Assessor Name: Zoltan Lipovski
Accreditation no.: 20884
Certificate date: 22 Nov 2019
Dwelling Address: 103a Kings Road
Federal, NSW 2480
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REV	DATE	ISSUE
01	22/11/19	ISSUE FOR DA

REV	DATE	ISSUE
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PROJECT
DWELLING HOUSE
103a Kings Road, Federal, NSW 2480

PROJECT NUMBER	PLOT DATE	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	NORTH
1932	22/11/19	GJ	JC	1:100	A3	

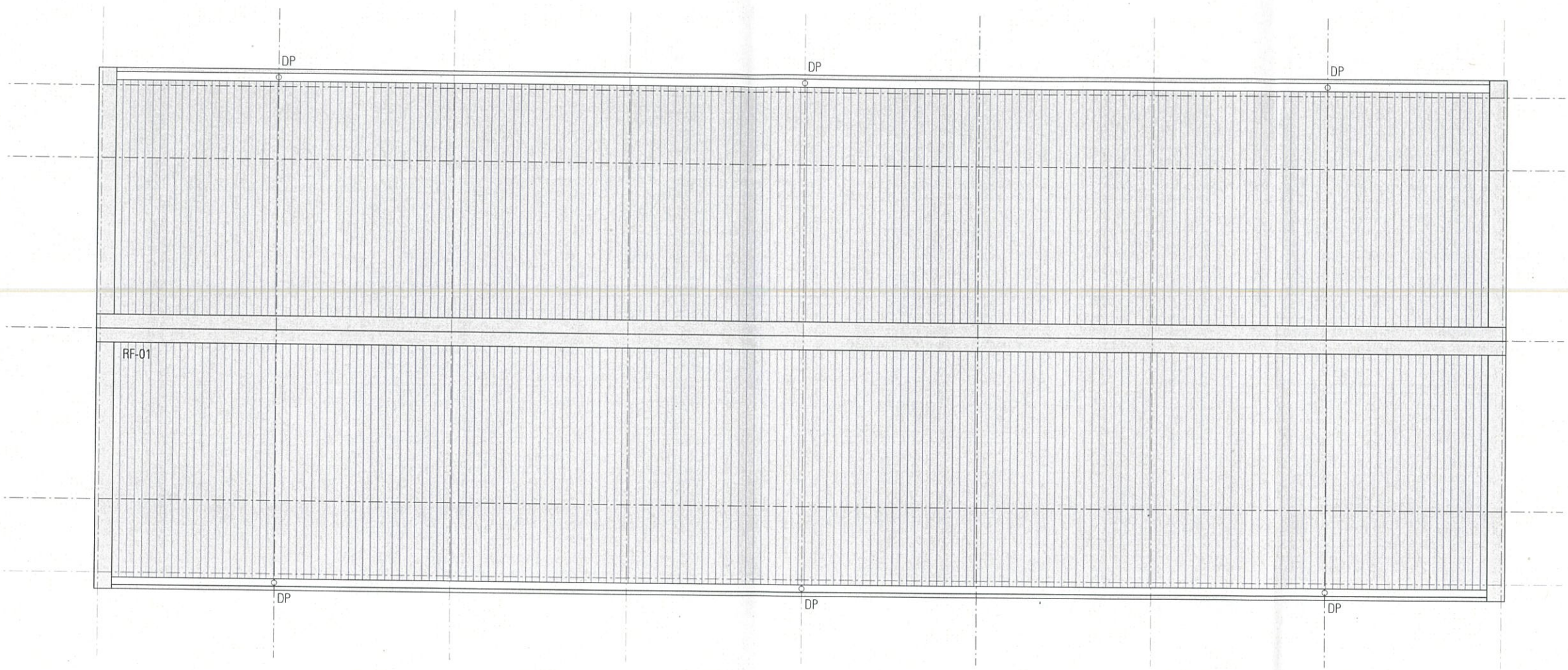
SHEET TITLE
GROUND FLOOR PLAN

SHEET NUMBER	REVISION
A-DA-101	01

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DEVELOPMENT CONSENT NO: 10.2019.850.1 DATED: 16 APR 2020

DELEGATED OFFICER

LEGEND	
CL-01	TIMBER CLAD
RF-01	METAL ROOF
DP	DOWN PIPE



1 ROOF
1:100




Certificate no.: 0004384954
Assessor Name: Zoltan Lipovski
Accreditation no.: 20884
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01	22/11/19	ISSUE FOR DA

REV	DATE	ISSUE

PROJECT
DWELLING HOUSE
103a Kings Road , Federal, NSW 2480
PROJECT NUMBER 1932 PLOT DATE 22/11/19 DRAWN GJ CHECKED JC SHEET SCALE 1:100 SHEET SIZE A3 NORTH 

SHEET TITLE
ROOF PLAN
SHEET NUMBER A-DA-102

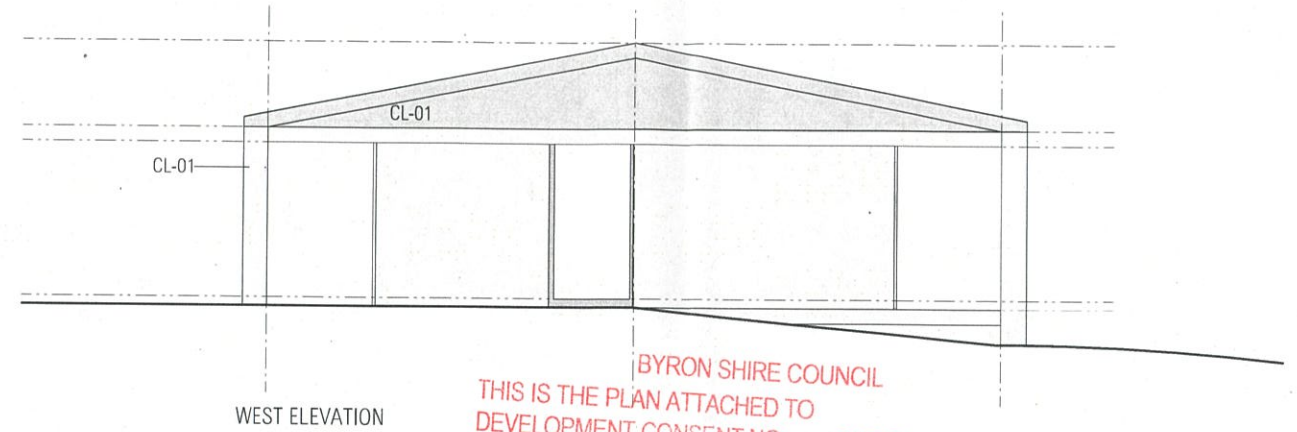
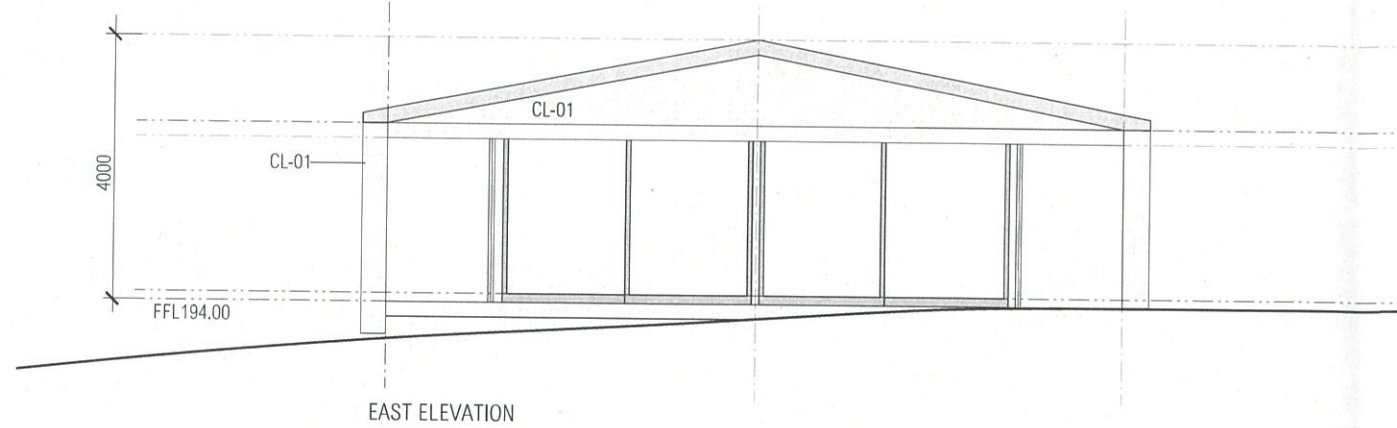
REVISION
01



Certificate no.: 0004384954
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Dwelling Address: 103a Kings Road
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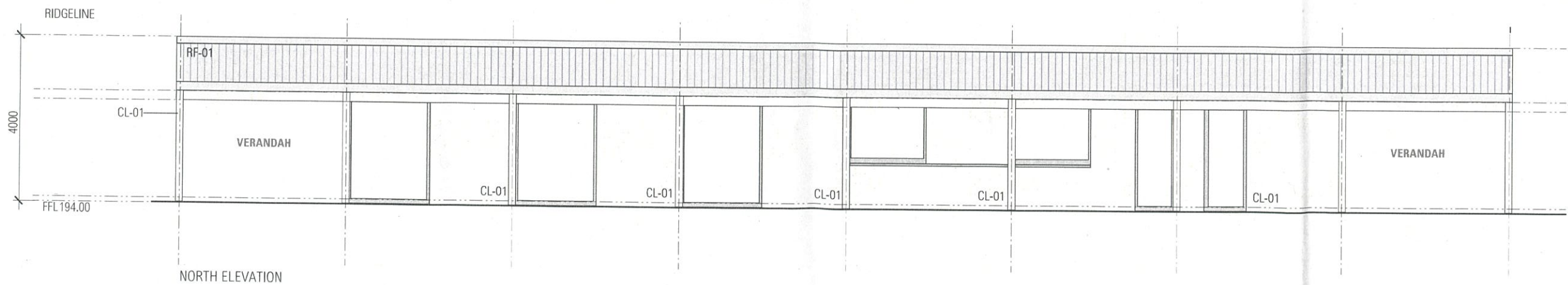
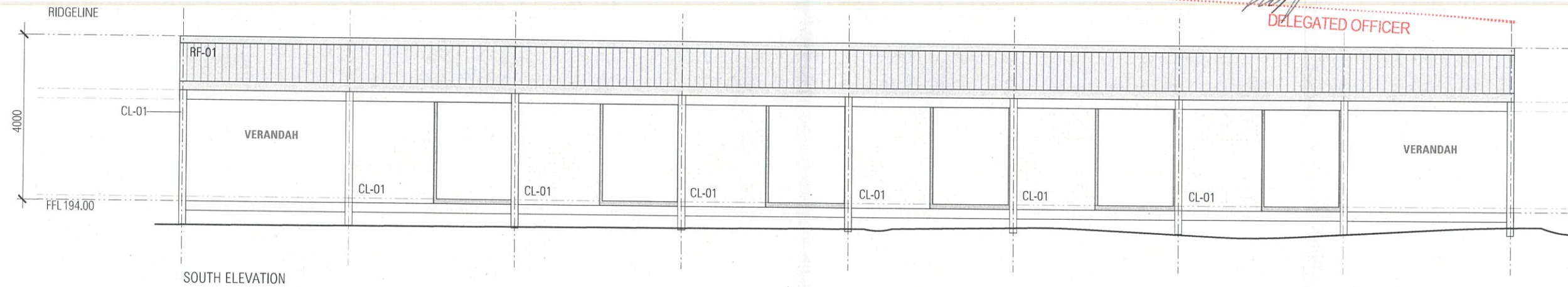


LEGEND	
CL-01	TIMBER CLAD
RF-01	METAL ROOF
DP	DOWN PIPE



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DEVELOPMENT CONSENT NO: 10.2019.650.1 DATED: 16 APR 2020

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103a Kings Road , Federal, NSW 2480

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1932	22/11/19	GJ	JC	1:100	A3	

SHEET TITLE
ELEVATIONS - SHEET 1

SHEET NUMBER	REVISION
A-DA-201	01

