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C o n d i t i o n s o f C o n s e n t

Parameters of this 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:
17224SN01 REV 0	Site Plan and Notes – Farm Stay Accommodation Buildings	Greg Alderson and Associates	22/01/21
17224SN02 REV 0	Proposed Floor and Roof Plan – Farm Stay Accommodation Buildings	Greg Alderson and Associates	22/01/21
17224SN03 REV 0	Proposed Elevations – Farm Stay Accommodation Buildings	Greg Alderson and Associates	22/01/21
17224SN04 REV 0	Proposed overview, foundations and selections – Farm Stay Accommodation Buildings	Greg Alderson and Associates	22/01/21
17224SN05 REV 0	Proposed Elevations and consecutive structures – Farm Stay Accommodation Buildings	Greg Alderson and Associates	22/01/21
17224SN06 REV 0	Summary of BASIX – Farm Stay Accommodation Buildings	Greg Alderson and Associates	22/01/21
17224CF01 REV 0	Site Plan and Notes - Central Facility Building (as amended by Council mark ups)	Greg Alderson and Associates	18/01/21
17224CF02 REV 0	Proposed Lower Level Floor Plan - Central Facility Building (as amended by Council mark ups)	Greg Alderson and Associates	18/01/21
17224CF04 REV 0	Proposed Elevations - Central Facility Building (as amended by Council mark ups)	Greg Alderson and Associates	18/01/21
17224CF05 REV 0	Proposed Roof Plan and Sections - Central Facility Building (as amended by Council mark ups)	Greg Alderson and Associates	18/01/21
172243D 01-03 REV 0	Proposed 3D Elevations	Greg Alderson and Associates	11/02/21
17224	Conceptual Landscaping Plan	Greg Alderson and Associates	5/02/21
17224-CC-EWC.C01 REV 0	Earthworks Plan – Cabin Pads	Greg Alderson and Associates	11/02/21
17224-CC-EWC.C02 REV 0	Earthworks Plan – Footpath Detail	Greg Alderson and Associates	11/02/21

17224-CC-EWC.C03 REV 0	Earthworks Plan – Central Facility and Car Park to Ramp	Greg Alderson and Associates	11/02/21
17224-DAFS – 01 REV A	Concept Access and Parking Plan	Greg Alderson & Associates	23/10/2020
17224-DAFS – 02 REV A	Saddle Road Access Long Section 1	Greg Alderson & Associates	23/10/2020
17224-DAFS – 02 REV A	Saddle Road Access Long Section 2	Greg Alderson & Associates	23/10/2020
17224-CC-D251.C03	Concept Driveway Plan (as amended by Council Mark-ups)	Greg Alderson & Associates	04/02/2021
SK01	Site Plan (as amended by Council Mark-ups)		13/05/2021

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) 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 an additional Schedule further in this consent.

3) Integrated Approvals from other State Government Approval Bodies

This development consent includes an Integrated development approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being a Bushfire Safety Authority issued under Section 100B of the Rural Fires Act 1997 in respect of development being a special fire protection purpose, and is subject to the General Terms of Approval from the NSW Rural Fire Service, dated 2 March 2021, contained in Schedule 2 of this Notice of Determination.

4) Essential Energy Requirements

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment. Notwithstanding, the following conditions apply:

- a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with. Essential Energy's records indicate that there is an easement located on the boundary of this property in the location of the proposed development. All farm stay accommodation and proposed central visitors facility must be constructed outside the easement area.
- c) Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate

application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions.

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

5) Internal road signage

A sign is to be erected along the main internal road and at the central car park advising that cabin users must enter and exit via The Saddle Road Driveway and use the Gulgan Road Interchange. Information to be provided to guests upon check in and details to be provided to guest when booking accommodation including on any web site or other accommodation social media platforms.

6) Use of Cabins and Central Facility

No cabin is to be occupied for a period longer than 3 months as they are not approved as residential accommodation of any type. The central facility is not to be occupied as residential accommodation of any type or as an additional cabin.

7) Mezzanine in Cabins

The storage mezzanine shown within the roof space of each cabin is not to be used as a bedroom or for purposed other than storage.

8) Kitchen in Central Facility

The central facility is not to be fitted with a kitchen or lunch room or tea room of any sort.

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

9) Amendment to the plans

The plans submitted for approval with the construction certificate application shall be amended as follows:

- a) The central facility shall be constructed as a single storey structure with a maximum height of 5 metres measured as the vertical distance from ground level (finished) to the highest point of the building;
- b) The central facility shall not contain a mezzanine level;
- c) The central facility shall not contain a kitchen or lunch room or tea room of any type.

10) 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 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.

11) Section 7.12 Levy to be paid

Prior to the issue of a construction certificate the section 7.12 levy required by the Byron Developer Contributions Plan 2012 must be paid to Council.

The levy will be calculated as follows:

Levy payable = %C x \$C

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

The rate of **%C** is:

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

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

PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.

12) Certificate of Compliance from Rous County Council – Water Management Act 2000

Prior to the issue of a construction certificate, the applicant shall obtain a Certificate of Compliance from Rous County Council confirming that all applicable Developer Charges have been paid to Rous County Council.

Note. Rous County Council is the Water Supply provider for the location of the subject development. The applicant must organise the provision of a water service to the development with Rous Water and provide a Certificate of Compliance from Rous Water to Byron Shire Council.

13) Building materials and colours to be specified for Cabins and Central Facility

The application for a Construction Certificate is to include plans and specifications that confirm the proposed building materials and colours are consistent with the provisions of Section C3.1 of

Council's Development Control Plan 2010. 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.

14) Consent required for works within the road reserve for The Saddle Road

All cabin user traffic will enter via The Saddle Road intersection and exit the site via The Saddle Road intersection towards the north (and east). No cabin user traffic is to exit towards Mullumbimby Road.

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 (existing dwelling)	The driveway servicing the existing dwelling must be upgraded in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings. It will become the dedicated access to the existing dwelling and an internal fence will be installed to separate it from the new cabin user entrance.
Driveway (farm stay accommodation)	<p>The driveway servicing the farm stay accommodation (cabins) must be designed to direct all vehicles towards Gulgan Road Roundabout. All traffic must enter in a left only movement and exit in a right only movement generally in accordance with the drawing 17224-CC-D251.C03 - Concept Driveway Plan.</p> <p>The following must be considered and included in the access design:-</p> <ol style="list-style-type: none">Provision of raised concrete island at the entry point of the driveway and in Saddle Road;Raised concrete island and linemarking must be in accordance with RMS requirements and relevant guidelines; andProvision of street lighting in accordance with AS1158. The street lighting design must be prepared by a suitably qualified electrical engineer.
Pavement and Seal Upgrade (frontage of the development site in The Saddle Road for a distance of 250 metres)	Road pavement, seal, line marking and associated drainage construction including any necessary relocation of services for the frontage of the site for a minimum distance of 200 metres from the new driveway entrance in accordance with Table 1.27 of Chapter D01 in with Northern Rivers Local Government Guidelines generally in accordance with the drawing SK01 - Site Plan.
Road Safety Audit (See SK01 - Site Plan)	A road safety audit must be undertaken by a registered Level 3 Road Safety Auditor from the end of the new seal and up to Gulgan Road Roundabout in accordance with RMS and Austroads requirements.

Provision must be made to design and construct mitigation measures to all safety issues listed in the Road Safety Audit Report. The mitigation measures must be prepared by a suitably qualified engineer.

15) Traffic Management Plan

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

The report must incorporate measures to ensure that motorists using roads 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 traffic management plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

16) Car parking layout, vehicle circulation and access plans required.

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) Internal roads in accordance with General Condition no. 6 of RFS determination letter dated Tuesday, 2 March 2021 with RFS reference no. DA20201216004764-Original-1
- b) Twelve (12) parking spaces including accessible parking;
- c) pavement design, comprising an all weather surface, must be sealed for grades greater than 12%;
- d) site conditions affecting the access;
- e) existing and design levels;
- f) longitudinal section from the road centreline to the car spaces;
- g) cross sections every 15 metres;
- h) drainage details;
- i) turning paths; and
- j) line marking and signage.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

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

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

17) Geotechnical Report required – Soil Classification

A soil report is to be provided to the Principal Certifying Authority from a professional Engineer experienced in Geotechnical Science as to the classification of the soil type on the site, consistent with the requirements of AS2870.

18) Geotechnical Report required – Engineering Works

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

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

19) Stormwater Drainage – Connection to Existing Drainage System

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with AS/NZS 3500.3:2003, Plumbing and drainage, Part 3: Stormwater drainage. All stormwater drainage for the development must be conveyed by a gravity system to the existing stormwater drainage system within the site. Such plans and specifications must be approved as part of the Construction Certificate.

The following must be considered and included in the internal road design:-

- a) Provision of one-way cross fall between chainage 514 to 560 draining on the western side of the internal road;
- b) Cross drainage pipe design in accordance with Northern Rivers Local Government Guidelines;
- c) Provision of concrete headwall on both ends of the cross drainage pipe;
- d) Scour protection at the downstream end of the concrete headwall in accordance with Chapter D10 in Northern Rivers Local Government Guidelines. and
- e) Scour protection of roadside drainage and table drains in accordance with section D1.29 of Chapter D1 in Northern Rivers Local Government Guidelines.

20) Bond required to guarantee against damage to public land

A bond of \$10,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. 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.

21) Sediment and Erosion Control Management Plan required

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

22) Unexpected Findings Protocol - Contamination & Remediation

An Unexpected Findings Protocol (UFP) shall be prepared and submitted to Council for approval prior to the issue of Construction Certificate. The UFP shall be prepared by a suitable qualified person experienced in matters relating to Contamination of Land and Remediation.

23) Water - Section 68 approval required

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

24) Section 68 Approvals to be surrendered

Section 68 approvals 70.2017.1122.1 & 70.2017.1122.2 granted on 17/11/2017 & 19/12/2018 are to be surrendered. This must be in the form of a written memorandum to Council from the owner of the subject property. This condition must be complied with prior to the issue of a Construction Certificate for Building Works.

25) On-site Sewage Management Facility Section 68 approvals required

Approvals 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 approvals 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.

26) Site Waste Minimisation and Management Plan

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

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

27) Rous Water connection

An approval under Section 307 of the Water Management Act 2000 must be obtained from Rous Water if the Rous connection is to be used to fill water tanks for the farm stay cabins

28) Private Water Supply Quality Assurance Program

Roof harvest for potable water supply is not permitted to the farm stay cabins until the applicant has submitted and achieved Council approval for a *Private Water Supply Quality Assurance Program*. It must be prepared by a suitably qualified consultant in accordance with the Public Health Act 2010 and the Public Health Regulation 2012.

29) Vegetation Management Plan

Prior to the issue of a Construction Certificate, a revised Vegetation Management Plan (VMP) must be prepared and approved by Council. The revised VMP must be prepared in accordance with the Guidelines for preparing a Vegetation Management Plan (VMP) or Biodiversity Conservation Management Plan (BCMP) available on Council's website.

The VMP must include, but may not be limited to:

- a) A review of the landscape context of the site to inform the proposed ecological restoration methodology. This should include an assessment of the distribution of native vegetation communities, threatened species and ecological communities known or likely to occur, and habitat connectivity across the broader landscape.
- b) Identification of Vegetation Management Zones (VMZs) on the site to facilitate planning and implementation of works.
- c) Detailed actions within VMZs, including representative plant community types (PCTs) to be restored, restoration methodologies, and implementation schedules.
- d) A list of performance indicators for each year of the program to provide a means of measuring the progress of restoration works.
- e) Details of reporting and monitoring to be carried out, including the frequency of monitoring reports and the location of photo points.

30) Section 88B Instrument

A Section 88B Instrument and one (1) copy are to be submitted with the application for a Construction Certificate. The Section 88B Instrument is to provide for and Easement of Conservation as follows:

A restriction applying to the entirety of the area to which the approved Vegetation Management Plan applies. 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:

- a) the destruction or removal of any local native trees, shrubs, grasses or other vegetation, or the planting of any flora other than local native flora;
- b) any act or omission which may adversely affect any local native flora or any native fauna or their related habitats;
- c) any act or omission which may result in the deterioration in the natural state or in the flow, supply, quantity or quantity of any body of water or in the natural moisture regime of the area;
- d) the creation or maintenance of any tracks through the area;
- e) the removal, introduction or disturbance of any soil, rock or other minerals;
- f) any structures or dwellings;
- g) No deposition or accumulation of rubbish or refuse, including garden refuse and weed propagules, nor the use of any of the area for storage of any substance or material.

The S88B Instrument must contain a provision identifying Byron Shire Council as the only person or authority having the power to revoke, vary or modify the restriction on user.

31) Variation to Timber Plantation Areas

The existing timber plantation plan at 219 The Saddle Road, Brunswick Heads authorised under the Plantations and Reafforestation Act 1999 (registered number AV1701P) is inconsistent with the proposed farmstay development and needs to be amended prior to issue of a Construction Certificate. Evidence of a revised timber plantation plan consistent with this consent and all other current approvals over the subject land is required to be submitted to Council.

32) Concept Landscape Plan Amendment

The native plantings shown on the Concept Landscape Plan to the east of the cabins as "aesthetic plantings" shall include at least one native tree that grows to 7 metres in height in front of each cabin in order to lessen the visual impact of the development from the other side of Gulgan Road. A mature specimen of at least one metre tall shall be used in the initial planting.

33) Access and facilities for disabled

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to at least one of the proposed cabins and for the central facility.

- a. Access should be provided to and within the facilities in accordance with the provisions of the BCA and AS1428.1 – Design for Access and Mobility –General Requirements for Access – New Buildings; and
- b. Parking should be provided in accordance with Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities.

34) Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 1145596M_02, dated Tuesday 27 October 2020.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

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

The following conditions are to be complied with prior to commencement of building or construction works

35) 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 full copy may be downloaded from Council's web site at www.byron.nsw.gov.au.

36) Traffic Management Plan

The approved traffic management plan is to be implemented.

37) 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 construction

38) 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

39) Waste minimisation and management

All works must comply with the objectives of waste minimisation and waste management of Chapter B8: Waste Minimisation and Management of DCP 2014.

40) WorkCover Authority

All works must be undertaken in accordance with the requirements of the WorkCover Authority.

41) Construction times

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

- a) Monday to Friday, from 7 am to 6 pm.
- b) Saturday, from 8 am to 1 pm.
- c) No construction work to take place on Sundays or Public Holidays.

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

42) 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); and
- 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.

43) Signs to be erected on building sites

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

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

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

44) 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.

45) 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) <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

46) All excavated soils to be disposed of off-site

All excavated soils to be disposed of off-site and in accordance with NSW EPA Waste Classification Guidelines (2014) and approved environmental management plans.

47) 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. Template s143 Notices are available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx>

48) 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 1997*.

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

49) 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.

50) Stormwater drainage work

Stormwater drainage for the development shall be constructed in accordance with the approved plans and specification by a suitably qualified person.

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

51) 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, 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.

52) Roadworks including safety mitigation measures, access, internal road, stormwater drainage and parking areas to be completed.

The roadworks including safety mitigation measures, access, internal road, stormwater drainage and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.

53) Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.

54) Internal path

An all-weather path must be constructed between the car park, cabins and the central facility in accordance with the Construction Certificate plans.

55) 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.

56) 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.

57) Approval to Operate required

In accordance with the *Local Government Act 1993*, 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>'.

58) Landscaping to be completed

A certificate from a suitably qualified landscape architect / architect / ecologist must be provided prior to issue of the occupation certificate for the first cabin of the development. Such certificate must certify that the site has been landscaped in accordance with the approved landscape plan and conditions of consent.

59) Year 1 ecological restoration work

Ecological restoration work required up to the end of Year 1 as defined within the approved Vegetation Management Plan must be completed prior to the issue of an occupation certificate for the development.

To demonstrate that all works required up to the end of Year 1 have been completed and that Key Performance Indicators have been met, a report from a qualified and experienced ecologist and/or bush regenerator must be submitted and approved by Council.

The following conditions are to be complied with at all times

60) Private Water Supply Quality Assurance Program

The water supply to the development is to be operated strictly in accordance with Council approved the *Private Water Supply Quality Assurance Program*.

61) Effluent Disposal

In conjunction with the harvest of forestry plantations located within the effluent disposal envelope the land owner shall replace the effluent irrigation field. Replacement of the irrigation infrastructure requires an approval under Section 68 of the Local Government Act 1993

62) Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

63) Must not interfere with the amenity of the neighbourhood

The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.

- c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d) All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e) Goods deliveries shall be restricted to daytime operating hours.

64) External lighting arrangements

External lighting arrangements should be in accordance with *AS4282-1997: Control of the obtrusive effects of outdoor lighting* and NSW WorkCover OH&S requirements. External lighting must be limited to protect the dark night sky and the rural atmosphere of the locality.

65) Laundry

There are to be no laundry facilities within the cabins. All laundering for the cabin accommodation must be undertaken in the central facility.

66) Vehicles to enter/leave in a forward direction

- a. All vehicles must enter and leave the development via The Saddle Road with traffic directed to the north and east towards Gulgarn Road and not Mullumbimby Road. Detail to be provided to guests staying at the Farm Stay Accommodation Facility;
- b. Guests are to not to use the Gulgarn Road Driveway;
- c. All vehicles must enter and leave in a forward direction;
- d. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

67) Manager of the tourist and visitor accommodation (Farm Stay Accommodation) Cabins

The farm stay accommodation cabins must be managed and operated by the principal owner living on the property at all times.

68) Landscaping

The landscaping of the site must be maintained to ensure the establishment and successful growth of plants. This includes but is not limited to watering, weeding and the replacement of failed plant material.

69) Ecological 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 the entirety of the time period set out in the plan, during which annual monitoring reports must be submitted to Council for approval.

70) Window screening

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

71) No native tree removal

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

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

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

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

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

a. without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or

b. in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.”

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

a. Without an approval or other authority required by or under another Act or another Part of this Act, or

b. In contravention of any provision of or made under another Act or another Part of this Act”

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

SCHEDULE 1. 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

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

SCHEDULE 2. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

Insert RFS determination letter dated Tuesday, 2 March 2021 with RFS reference no. DA20201216004764-Original-1

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:

General Conditions

1. The development proposal is to comply with the layout identified on the drawing prepared by Greg Alderson Associates titled "Site Plan & General Notes" and dated 27/10/20.

Asset Protection Zones

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. From the start of building works, and then in perpetuity (to ensure ongoing protection from the impact of bush fires), the property around the farm stay cabins and central visitors facility buildings shall be maintained as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019, as follows:

- North for a distance of 10 metres;
- East for a distance of 14 metres;
- South to the boundary; and
- West to the boundary.

Construction Standards

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions shall apply:

3. The construction of cabin No. 1 (cabin No. 1 being the most southern of the cabins) shall comply with the following specified outcomes;

- The western, southern and eastern elevations shall comply Sections 3 and 7 (BAL-29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019, and
- The northern elevation shall comply Sections 3 and 6 (BAL-19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

4. The construction of cabin No. 2 shall comply with the following specified outcomes;

- The western and southern elevations shall comply Sections 3 and 7 (BAL-29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019, and
- The northern and eastern elevation shall comply Sections 3 and 6 (BAL-19) Australian Standard AS3959- 2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

5. The construction of cabins numbered 3 to 6 (cabin No. 6 being the most northern of the cabins) and the central visitors facility shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

Access - Internal Roads

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

6. Internal roads, for the farmstay development, shall comply with the following property access requirements of Table 5.3b of PBP 2019:

- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

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

- The 60000 litre "turkeys nest" dam shall have a 65 mm storz fitting provided to the supply pipe that is capable of water delivery from the dam at most dam levels. The storz fitting is to be not greater than 4 metres from the access roads near edge. The supply pipe shall have an internal diameter of at least 50 mm.
- All above-ground water service pipes are metal, including and up to any taps;
- Where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) 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.
- Reticulated or bottled gas is installed and maintained in accordance with; AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- Above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

8. Landscaping, of the development, shall be in accord with the requirements of Table 7.4a of Planning for Bushfire Protection 2019.

Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments. To achieve this, the following conditions shall apply:

9. A Bush Fire Emergency Management and Evacuation Plan shall be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must include, but not be limited to, the following:

- that the farm stay cabins are not to be occupied on days with an 'extreme' or 'catastrophic' fire danger rating;
- a mechanism for the relocation of occupants on days with an 'extreme' or 'catastrophic' fire danger rating or days declared as a total fire ban;
- contact details for the local Rural Fire Service office;
- procedures for co-ordinated evacuation of the site in consultation with local emergency services.

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

General Advice – Consent Authority to Note

- The central visitors facility has not been assessed against the requirements of PBP 2019 as it is not intended for habitation (i.e. it is not a cabin or dwelling intended for short term or long term accommodation).

SCHEDULE 3. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From July 1 2018, Council is 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 or is justifiably inconsistent with relevant provisions of Development Control Plan 2014
The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality subject to the proposed conditions of approval.
The proposed development is considered suitable for the proposed site.

The development application was notified / advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application. Conditions have been imposed to specifically address issues raised in submissions including reducing the bulk and scale of the central facility; reducing the visual impact of the development; limiting the impact of the development on the local traffic network; offsetting the development with revegetation areas; and not using the cabins as residential accommodation.

The proposed development is unlikely to prejudice or compromise the public interest.

SCHEDULE 4. 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 any 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.

Occupation Certificate required

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

Principal Certifying Authority

Work must not commence until the applicant has:-

- Appointed a Principal Certifying Authority (if the Council is not the PCA);
- Given the Council at least two (2) days notice of their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'; and
- 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 (generally \$600) being issued pursuant to section 127A of the *Environmental Planning and Assessment Act 1979* or prosecution pursuant to section 125 of the *Environmental Planning and 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).

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.

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.