

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:
A01 Issue B	Site Plan	Frank Stewart	Oct 2018
A02 Issue C	Part Site Plan	Frank Stewart	Jan 2018
A03 Issue A	Part Site Services/Sedimentation Plan	Frank Stewart	Sep 2018
A04 Issue A	Part Site Landscaping plan	Frank Stewart	Sep 2018
A05	Section A-A	Frank Stewart	Sep 2018
A06	Section B-B	Frank Stewart	Sep 2018
A07 Issue B	Cabins 1-6, Floor Plan, Section , Elevations	Frank Stewart	Oct 2018
A08 Issue B	Cabins 7-8, Floor Plan, Section , Elevations	Frank Stewart	Oct 2018
A09 Issue B	Pool House Floor Plan, Section, Elevation	Frank Stewart	May 2019
NJ01 Issue A	Relocation of Overhead Powerline	Frank Stewart	April 2018

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. Integrated Approvals from other Authorities.

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 Bush Fire Safety Authority Issued under section 100B of the *Rural Fires Act 1997* subject to the conditions listed under the "General Terms of Integrated Development Approval" in this consent.

3. Discovery of Aboriginal relics

If any Aboriginal archaeological relics or items are exposed during construction works, the Developer or Contractor shall immediately cease works, notify the NSW Office of Environment and Heritage (OEH) or its successor, and obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974. The Developer or Contractor shall comply with any further request made by the OEH to cease work for the purposes of archaeological assessment and recording.

4. Procedures for unexpected finds

The following procedure must be applied in the case of unexpected finds (including even suspected Aboriginal cultural heritage objects):

- a) Stop all work on-site immediately. Do not further disturb the object(s) or the site in any way.
- b) Place a protective barrier around the site.
- c) The NSW Office of Environment and Heritage (OEH), or its successor, and Tweed Byron Local Aboriginal Land Council (TBLALC) must be contacted as soon as possible for information, advice, assessment and guidance.
- d) In the event that human skeletal material is encountered NSW Police must be contacted immediately, a buffer zone surrounding the area should be setup and all activities must cease within this buffer zone until such time as the necessary approval is given to continue work within the buffer zone.

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

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

6. Amendment to the plans

The Principal Certifying Authority shall be satisfied that the plans have been amended as follows:

- At least one cabin at the northern part of the site (i.e. Cabins 1 to 6) shall be designed to provide disabled access, facilities and car parking to guests.
- **“Cabin 8” shall be deleted from the plans.**

7. 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 D1.2.4 (Residential) or D2.2.3 (Rural) - 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.

8. Landscaping plan required

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,
- e) location of trees identified for retention in the development application plans.
- f) Location of garden lighting with such lighting to be limited to bollard style with a low wattage to limit light spill onto neighbouring properties.
- g) Maintenance of the stand of Eucalypts to the south of Cabins 1-3 as a visual screen.
- h) The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.

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.

9. Cabins to be relocated so that APZ does not encroach on any part of BV or HEV mapping on the site

The extent of any bushfire asset protection zones must be entirely outside high conservation value vegetation mapped on the Biodiversity Values Map under the Biodiversity Conservation Act 2016 or as High Environmental Value by Council.

10. Biodiversity Conservation Management Plan

A Biodiversity Conservation Management Plan must be prepared in accordance with the attached *Guidelines for preparing a Vegetation Management Plan (VMP) or Biodiversity Conservation Management Plan (BCMP)* and the plan submitted to and approved by Council. Such plan must detail protection and compensation measures proposed to protect native flora and fauna and their habitats and must retain and improve habitat on that part of the site covered by the Management Plan.

The plan must:

- a. Provide and implement strategies to avoid impacts to Koalas and their habitat on the site.
- b. Provide ecological restoration within High Conservation Value rainforest vegetation, particularly targeted at Camphor Laurel control, over an area twice the size as would be achieved by planting 900 trees per cabin (total of 7200 trees) at the usual

- spacing.
- c. illustrate on maps of a suitable scale the accurate extent of the Biodiversity Values mapping, vegetation communities classified to Plant Community Type, overall development footprint, approved asset protection zones and driveways on the subject site.
- d. detail the methodology for habitat restoration and specify the use of qualified and experienced bush regenerators only.
- e. specify that planting and/or restoration works will commence immediately upon approval of the Management Plan.
- f. include lists of locally occurring native tree, shrub and ground cover plant species suitable for planting as part of the ecological restoration program and site landscaping.

Include a list of environmental weeds, comprising introduced plant species known to have the capacity to invade native vegetation communities to prevent their introduction to the site.

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. Colours must be non-reflective earth tone colours and that the use of white and near white colours is not permissible.

To blend in with the surrounding landscape, roof colours shall be recessive earthly tones, in a natural shade of green.

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

12. Geotechnical Report required – Building Works

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

13. 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 roads, stormwater infiltration system and others, 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.

14. Sediment and Erosion Control Management Plan required

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

devices such as filter fences and sedimentation basins.

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

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

15. 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.

16. Stormwater Drainage – Infiltration Trench & Additional Plans addressing Stormwater Quality

The application for a Construction Certificate is to include plans and specifications for stormwater drainage in accordance with the relevant Australian Standard. All stormwater drainage for the development must be conveyed by a gravity system to an infiltration trench or trenches complying with the requirements of Council's *Comprehensive Guidelines for Stormwater Management*.

The infiltration trench or trenches must be designed by a qualified practising Civil Engineer to fully infiltrate the 20 year ARI runoff from all impervious areas of the proposed development for all storm durations without surcharge onto neighbouring properties. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The stormwater management plan shall also provide separate/additional details and detailed plans to demonstrate compliance to Table B3.1 of Council's DCP.

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

17. 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:

Road Upgrade

The following sections of Montecollum Road must be upgraded:-

- 1. The first 450m from Cedar Road;**
- 2. From the end of the existing sealed section (approximately 800m from Cedar Road) and up to 10m past the proposed driveway servicing Cabin 1 to Cabin 6.**

The upgrade must included the following:-

1. Generally in accordance with Council's standard drawing R13 for a rural crowned road with a formation of 4m carriageway with roadside drainage and table drains in accordance with Section D1.22 of NRLG D1 Geometric Road Design.
2. Provision shall be made to provide passing bay at 200m spacing. The passing bay shall be 20m long x 6m wide carriageway.
3. Provision of sealed surface at all access points, longitudinal grades 10° or greater, 10m before and after the dwelling house in Lot 3 DP621548.

Driveway (rural & residential areas without kerb & gutter)

A driveways (2x) servicing the Cabins shall be upgraded in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawing R14".

18. 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 internal access and manoeuvring servicing Cabins 1 to 6 and Cabins 7 & 8 are to comply with condition 7 of the NSW RFS General Terms of Approval with Reference No D18/7488 – DA18100215336 WS dated 9 January 2019. Plans are to include, but not be limited to, the following items:

- a) pavement design, comprising an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section for the full length of the internal access
- e) cross sections every 15 metres; and
- f) drainage details.

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

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

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

19. 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.

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

20. Compliance with BASIX Certificate requirements

The development is to comply with Basix Certificate No. 968587M, dated Tuesday, 30 October 2018.

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 energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

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

21. Long Service Levy to be paid

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.longservice.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. When paying to Council, cheques are to be made payable to 'Byron Shire Council'.

For further information regarding the Long Service Payment please refer to the website above.

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

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

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

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

23. Details of pool fence required

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

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

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

25. Potable Water Supply Management Plan

Prior to the issue of a Construction Certificate provided to the Principle Certifying Authority a Potable Water Supply Management Plan (PWSMP). For further information refer to the following website <http://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf> The PWSMP must be prepared by a suitable qualified professional.

26. Tree Removal

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

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

27. Powerlines to be relocated

Prior to the commencement of any building works, the power lines traversing the ridgeline on the northern part of the site must be relocated in accordance with the Powerline Relocation Plan NJ01, dated April 2019, and any requirements of Essential Energy. The powerlines must be relocated to provide a minimum separation distance of at least 10m from the centre line to the closest roof eave of any liveable structure (i.e. tourist cabins).

If Essential Energy require an easement to be burdened on the title of the property, this easement must be registered prior to the commencement of any works and evidence of such provided to the Principal Certifying Authority.

Note. The cabins cannot be relocated further south due to the zoning of the land. The powerlines will need to be accurately realigned to ensure a 10m separation to any approved liveable structures.

28. Erosion and Sediment Control Management Plan required

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

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

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).

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

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

29. Protection of koalas/ native fauna from disturbance

- a) Clearing of native vegetation and/or earthworks as part of any development approval from Council must be temporarily suspended within a range of 25m from any tree which is concurrently occupied by a koala and must not resume until the koala has moved from the tree of its own volition.
- b) Any clearing of land must not commence until the area proposed for clearing has been inspected for the presence of koalas and approval given in writing by a suitably qualified individual.
- c) Approval to proceed with the clearing of vegetation in accordance with this section is only valid for the day on which the inspection has been undertaken.

The individual referred to in (ii) above, or a nominated representative, must remain on site during any approved clearing of vegetation.

30. 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

31. 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.

32. 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.

33. 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.

34. 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.

35. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

36. 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.

37. Removal of asbestos

All asbestos wastes associated with removal of the existing building to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met.

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

38. 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.

39. Stormwater drainage work

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

40. Demolition

Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

41. 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 DECC Waste Classification Guidelines (2008)

www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

42. 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.

The following conditions are to be complied with prior to the issue of an occupation certificate

43. Dwelling to be decommissioned

Prior to the issue of an interim or final occupation certificate the second dwelling on the property, identified on site plan A01 Issue B, dated October 2018, as “existing building” is to be rendered non-habitable. All kitchens, laundries and the like must be removed from the building and the services disconnected and capped.

44. Relocation of powerlines

The Principal Certifying Authority shall be satisfied that the cabins have a minimum separation of 10m from powerlines, as measured from the centerline to the closest roof eave. An occupation certificate (interim or final) must not be issued unless the developer is able to demonstrate that the cabins have been constructed in accordance with this requirement.

45. Habitat Compensation works to be completed

Plantings and/or restoration works are to be completed in accordance with the approved Biodiversity Conservation Management Plan prior to issue of the occupation certificate for the development. The site must be assessed to determine satisfaction of performance criteria by Council. Alternatively, Independent sign-off may be undertaken by (Australian Association of Bush Regenerators) AABR-accredited Bush Regenerators, see <http://www.aabr.org.au/do/business-directory/wpbdm-category/aabr-accredited-bush-regenerators/>. In all cases a final monitoring report must accompany any application for satisfaction of this condition.

46. 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.

47. 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>'.

48. Road upgrade to be completed

The road upgrade is to be constructed in accordance with the approved plans and Roads

Act consent.

49. Internal accesses in accordance approved plans

Internal accesses are to be constructed in accordance with the approved plans.

50. 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.

51. Site to be landscaped

Prior to the issue of an occupation certificate, the site is to be landscaped in accordance with the approved landscaping plan and conditions of consent.

52. 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.

53. Swimming pool fencing

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

54. 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.

55. 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.

The following conditions are to be complied with at all times

56. Site not be used for functions or events

The tourist facility is not to be used for functions, weddings, concerts, events or the like, unless separately approved by Council.

57. Cabins not to be used as dwellings

The cabins are not approved for used as dwelling houses and are not to be used for permanent residential occupation.

58. Use of lighting after certain hours

In order to protect the dark night sky and rural atmosphere of the area , any outdoor lighting, other than that required for reasonable security, shall not be used between the hours of 10.00 p.m. and 7.00 a.m. on any day. Low garden lighting and sensor lighting for paths and car parking areas permitted.

59. Landscaping

The landscaping works must be maintained to ensure the establishment and successful growth of plants, meeting the intent of the landscape design. This must include but not be limited to watering, weeding, and the replacement of failed plant material. The stand of Eucalypts to the south of Cabins 1-3 are to be maintained at all times.

60. Limited Tree Removal

Removal of existing native trees from the site is limited to three small native trees as defined within the letter entitled *DA 483/2018 - Request for further information regarding vegetation clearing potentially triggering the Biodiversity Offset Scheme at Lot 4 DP 61548, 58 Montecollum Road, Wilsons Creek by Greg Alderson and Associates dated 11 January 2019*. All other trees and native plants within the site are to be retained and protected.

61. No dogs or cats to be brought or kept with cabin users

Due to the biodiversity value of the adjacent rainforest as well as the presence of preferred Koala habitat on the site, the keeping of cats and dogs in association with cabin visitor use is prohibited.

62. Replanting and restoration works

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

63. Must not interfere with the amenity of the neighbourhood

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

- a) The noise level emanating from the use of the premises must comply with the New South Wales Policy for Industry (2017) and the Noise Guide for Local Government. All sources of noise and vibration must be effectively managed so as not to be intrusive or 'offensive' within the nearest residential properties.
- 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) Goods deliveries and waste collection must be restricted to daytime operating hours.

64. Noise limitations of the Pool Amenities Building

The noise level emitted from the pool amenities building must not exceed the background noise level plus 5dB (A) between the hours of 7:00am and 10:00 pm at the nearest affected residence*. The noise level emitted from the pool amenities building between 10.00 pm and 7:00 am must not exceed the background noise level at the nearest affected residence*. No correction for tonality is applied.

In assessing noise levels at residences, the noise level is to be assessed at the most affected point on or within the residential property boundary or, if this is more than 30m from the residence, at the most affected point within 30m of the residence.,

65. Pool Safety Sign

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

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

66. Use of second dwelling

The second dwelling on the property, identified on site plan A01 Issue B, dated October 2018, as "existing building" must not be occupied or used as a dwelling house unless separately approved by Council.

67. Pool backwash in rural areas

Pool water disposal and backwash is to be directed to a soakage trench located in such a location as to not cause any nuisance to adjoining properties or damage to any structures or impact on any land application areas for the on-site sewage management system.

68. Swimming pool health requirements

The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Health. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times

69. Swimming pool pump location

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

70. Swimming Pool Fencing

Swimming pool fencing is to comply with the requirements of the Swimming Pool Act 1992 and Regulations at all times.

71. Bush Fire Safety Authority – S100B Rural Fires Act 1997

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:

1. The proposed development is to comply with the plan titled 'Part Site Plan, Inset 1', prepared by Frank Stewart Architect, reference June 2018, issue A dated September 2018, except where modified by conditions of this Bush Fire Safety Authority.

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 of cabins 1-3 and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north for a distance of 38 metres as an asset protection zone;
 - east for a distance of 9 metres as an asset protection zone;
 - south for a distance of 25 metres as an asset protection zone; and
 - west for a distance of 9 metres as an asset protection zone.
 - (Note: in forested areas a portion of the asset protection zone may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bush Fire Protection 2006'.)
3. At the commencement of building works of cabins 4-6 and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north for a distance of 25 metres as an asset protection zone;
 - east for a distance of 9 metres as an asset protection zone;
 - south for a distance of 25 metres as an asset protection zone; and
 - west for a distance of 9 metres as an asset protection zone.
 - (Note: In forested areas a portion of the asset protection zone may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bush Fire Protection 2006'.)
4. At the commencement of building works of cabins 7 and 8 and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north for a distance of 22 metres as an asset protection zone;
 - east for a distance of 22 metres as an asset protection zone;

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- south for a distance of 39 metres as an asset protection zone; and
 - west for a distance of 34 metres as an asset protection zone.

• (Note: in forested areas a portion of the asset protection zone may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bush Fire Protection 2006'.)

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:

5. Electricity are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
6. In recognition that no reticulated water supply is available to the development, a 10,000 litres firefighting water supply shall be provided for firefighting purposes for each cabin. The firefighting water supply shall be installed and maintained in the following manner:
 - a) Firefighting 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 60 metres from the approved structure. Amalgamation of the water supply is permitted if more than 1 cabin is within the specified 60 metres.
 - b) A hardened ground surface for firefighting truck access is to be constructed up to and within 4 metres of the firefighting water supply.
 - c) New above ground firefighting water supply storage's are to be manufactured using non-combustible material (concrete, metal, etc). Where existing firefighting 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.
 - d) Non-combustible materials (concrete, metal, etc) will only be used to elevate or raise firefighting water supply tank(s) above the natural ground level.
 - e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any firefighting water supply tank(s) and accessible for a firefighting truck.
 - f) 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.
 - g) All associated fittings to the firefighting water supply tank(s) shall be non-combustible.
 - h) Any pipes not of metal material shall be buried 300mm below natural ground level.
 - i) Any below ground firefighting 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.

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- j) Any firefighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
 - k) All water supplies for firefighting purposes shall be clearly signposted as a firefighting water supply.
 - l) Below ground firefighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow firefighting trucks to access water direct from the tank.
 - m) Pumps are to be shielded from the direct impacts of bush fire.
 - n) 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 firefighting water supply tank(s) is when the outlet valve is located below natural ground level.

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:

- 7. Property access roads shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
 - a) Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
 - b) Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
 - c) A minimum carriageway width of 4 metres for single lane and 6 metres for 2 way.
 - d) In forest, woodland and heath situations, rural property access roads shall have passing bays every 200 metres, or where there are crests or blind corners, that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
 - e) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
 - f) Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius. Except that 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.

- g) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- h) The minimum distance between the inner and outer curves is 6 metres. The crossfall is not to exceed 10 degrees.
- i) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Evacuation and Emergency Management

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

- 8. An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745 -2010 'Emergency Control Organisation and Procedures for Buildings Structures and Workplaces for Residential Accommodation'. The emergency evacuation plan will include a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and the location they will be evacuated to. A copy of the emergency evacuation plan shall be provided to the consent authority and the Local Emergency Management Committee prior to occupation of the development.

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:

- 9. New construction of cabins 1-6 shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
- 10. New construction of cabins 7 and 8 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- 11. New construction of the pool house and deck is to be sited no closer than 10 metres to cabin 6.

Landscaping

- 12. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:
 - a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;

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- b) Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - c) Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - d) Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - e) Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
 - f) When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
 - g) Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - h) Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - i) Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - j) Avoid climbing species to walls and pergolas;
 - k) Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - l) Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
 - m) Use of low flammability vegetation species.

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

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. Payment will only be accepted by cash or bank cheque.

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

Principal Certifying Authority:

Work must not commence until the applicant has:-

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

Occupation Certificate required:

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

Certificate.

Protection of the Environment Operations Act 1997:

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

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.